





# CITY OF YAKIMA ADMINISTRATIVE CODE POLICIES

## Table of Contents

Items Removed from the Reissued Administrative Code (11/01/2012)  
**IMPLEMENTATION**

Implementing Directive  
Policy Preparation Template

### SECTION 1 GENERAL STANDARDS OF WORKPLACE CONDUCT FOR ALL EMPLOYEES

Reissued Policy No.	Former Policy No.	Title	Page
1-100	PER 1400	Administrative Disciplinary Guidelines	7
1-150	New	Behavioral Intervention Policy	11
1-200	PER 400	Christmas Eve & New Year's Eve Staffing	14
1-300	ADM 1600	City-owned Wireless Devices	16
1-400	ADM 620	City-owned Technology Resources	19
1-500	New	Domestic Violence Leave	23
1-600	PER 601	Employee Assistance Program	25
1-700	PER 302	Employee Classifications	27
1-750	New	Employee Timekeeping	29
1-800	PER 1801	Equal Employment Opportunity	32
1-900	PER 2000	Family & Medical Leave Act (FMLA)	33
1-1000	ADM 1700	Firearms Possession and Use Restrictions	39
1-1100	PER 2100	Fraternization	41
1-1200	PER 403	Leave without Pay	43
1-1300	ADM 301	Private Use of City Equipment	45
1-1400	ADM 1500	Public Records Disclosure	46
1-1500	ADM 500	Receiving Gifts and Discounts	53
1-1600	PER 2200	Sick Leave Pool	54
1-1700	ADM 700	Smoking	60
1-1800	PER 600	Substance Abuse	61
1-1900	FB 300	Travel and Reimbursement	81
1-2000	ADM 300	Use and Assignment of City Vehicles	86
1-2100	ADM 302	Vehicle Collision Review	89
1-2200	PER 500	Whistle Blower Reporting	93
1-2300	PER 1800	Workplace Anti-Harassment	96

**SECTION 2  
ADMINISTRATIVE / SUPERVISORY**

<b>Reissued Policy No.</b>	<b>Former Policy No.</b>	<b>Title</b>	<b>Page</b>
2-100	LEG 102	Communication with Council	102
2-200	ADM 100	Delegation of Approval Authority	104
2-300	PER 1200	Employee Evaluations	110
2-400	PER 401	Holidays Falling on Saturday or Sunday	111
2-500	PER 303	Position Eligibility for Department of Retirement Systems	113
2-600	PER 200	Processing of Personnel Action Forms	116
2-700	ADM 2000	Social Media	118

**SECTION 3  
PURCHASING AND FINANCIAL**

<b>Reissued Policy No.</b>	<b>Former Policy No.</b>	<b>Title</b>	<b>Page</b>
3-100	ADM 201	Disposal of Surplus Property Other Than Real Estate	122
3-200	ADM 2100	E-Verify	127
3-300	FB 304	Petty Cash Reimbursement	131
3-400	FB 305 and FB 500	Purchase Card (formerly Bank Credit Cards and Procurement Cards)	133
3-500	ADM 200	Purchasing Procedure	161
3-600	New	Direct deposit	162

**SECTION 4  
SAFETY**

<b>Reissued Policy No.</b>	<b>Former Policy No.</b>	<b>Title</b>	<b>Page</b>
4-100	PER 1300	Accident Prevention and Safety Program	164
4-200	ADM 1800	Building Security/ID Badges	171
4-300	New	Hazard Communication Program	174
4-400	PER 405	Workers Compensation Time Loss Payments	179



## **CITY OF YAKIMA ADMINISTRATIVE CODE IMPLEMENTING DIRECTIVE**

**TO:** All Department Directors  
**FROM:** City Manager  
**SUBJECT:** City Policy and Procedure System  
**DATE:** November 2012

---

Effective November 2012, the City of Yakima's Administrative Code is being reissued in a revised format. Out-dated policies have been deleted; some current policies have been rewritten; and new policies have been included.

The following information outlines the process for implementing City of Yakima Administrative Code policies and procedures.

### **PURPOSE:**

The purpose is to establish a centralized system for the communication of policies, procedures, and behavioral expectations to be followed by all City of Yakima employees.

### **PROCEDURE:**

The procedure established herein insures that all policies and procedures, especially those that cross organizational lines on similar subjects, are filed together by section. This prevents the issuance of duplicate or overlapping material on one subject. Most important to the user is the quick reference the subject code offers.

### **USE AND APPLICABILITY:**

All departments will maintain a three-ring, loose-leaf binder file of administrative policies for employee reference. These policies may be distributed to employees in printed format or copied to a CD for each employee, posted on the City's intranet as well as posted on bulletin boards as necessary.

### **POLICY PREPARATION, REVIEW AND APPROVAL:**

Permanent policies or procedures are prepared either by the City Manager or by Department Directors. If originating in a department, the proposed policy or procedure is

sent to the City Manager's Office for review, approval and distribution to the employees. Each policy and all referenced documents should be reviewed on an annual basis and updated as needed.

**Originating Department:** The originating individual is responsible for insuring that the material is complete, accurate and that it does not duplicate or conflict with information already in the system, unless the purpose of the new material is to modify or change the existing policy.

**City Manager's Office:** The City Manager's Office is the focal point for the system. That office is responsible for:

- Managing the system
- Reviewing the proposed material. Review will include checking for any possible overlap or conflict with other policies and to determine if further coordination is needed.
- Assigning subject classification
- Approving each directive
- Arranging for reproduction and distribution
- Maintaining the official file

**POLICY FORMAT:**

All documents must be prepared in accordance with the format as outlined in the "Policy Preparation Template" and submitted electronically (i.e. Word, Excel, PDF, etc.) If deviation is necessary, contact the City Manager's Office for direction. Use titles rather than names, when necessary. Do not include cover pages and/or tables of contents unless it is part of a procedure manual. Questions concerning format should be directed to the City Manager's office. Upon approval, documents will be converted to the final format and distributed as needed.

**CHANGING OR REVISING POLICIES:**

Policy changes are made by rewriting and reissuing. Revised policies will be assigned the same subject classification number and consecutive policy number as the superseded directive.

As new or revised policies are issued, they will be sent to each department director to distribute to employees and posted on bulletin boards as necessary. When a policy or procedure is updated, the obsolete page(s) should be removed from the notebook and the new page(s) inserted upon issuance. These can be canceled by a notice or by another memo stating that it supersedes the prior directive.

**ADMINISTRATIVE POLICIES**

**REISSUED POLICY NUMBER: #-###**

**FORMER POLICY NUMBER: xxx xxx**



**DEPARTMENT:** Department Name  
(second line if needed)

**AUTHORIZED BY:** Title of Authorizer  
(second line if needed)

**EFFECTIVE DATE:** date here  
**SUPERSEDES:** date here

**REISSUE DATE:** 03/01/2012

***POLICY: TITLE***

**PURPOSE**

State the reason for the policy in one to three sentences.

**POLICY SUMMARY**

Summarize the requirements this policy establishes. Be succinct. The details for managing and interpreting this policy statement will be expanded upon in subsequent sections.

**SCOPE AND APPLICABILITY**

Indicate the departments and personnel who have responsibility to adhere to the policy or who are impacted by the policy.

**POLICY AND PROCEDURES**

Include the detailed procedures or other information making up the policy. It should be as concise as possible, yet have enough detail to clearly provide all relevant information to the reader.

**DEFINITIONS**

Define unfamiliar or technical terms which would add to the reader's understanding of the policy. List these terms in alphabetical order.

**REFERENCE DOCUMENTS**

Cite related documents that provide helpful or relevant information, such as resolutions establishing the policy or forms which may be needed but are not attached.

**ATTACHMENTS**

Indicate any attachments by capital letter when referenced in the policy, e.g. "application form (Attachment A)." In this section, list the attachments which have been referenced. Be sure to include the referenced documents following this section.



**DEPARTMENT:** Human Resources

**AUTHORIZED BY:** City Manager / HR Manager

**EFFECTIVE DATE:** 03/01/2012

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:** 03/14/1983

---

***POLICY: ADMINISTRATIVE DISCIPLINARY GUIDELINES***

**PURPOSE**

This policy describes the guidelines for correction of unacceptable behavior or performance of employees.

**POLICY SUMMARY**

Except in unusual circumstances, this policy requires the administration of a series of corrective disciplinary actions prior to termination of employment. This progressive discipline policy was established by the City of Yakima Charter Civil Service Commission.

**SCOPE AND APPLICABILITY**

All employees covered by the City of Yakima Civil Service Rules and Regulations are subject to this policy. Members of management are not covered by these guidelines since, as provided in the City Charter, they are exempt from Civil Service and serve at the pleasure of the City Manager. Employees of the Fire Department and commissioned officers of the Police Department are exempted from these guidelines since disciplinary actions are addressed in the Police and Fire Civil Service Rules and Regulations.

**POLICY AND PROCEDURES**

Whenever a problem persists, despite minor counseling, a gradual increase in the level of disciplinary action as contained in these guidelines shall be initiated and directed toward correcting the problem. Continuing offenses, which separately may justify nothing more severe than a written reprimand, may be cause for suspension or discharge if the employee has not made the correction required with lesser disciplinary action.

There are four types of corrective discipline which may be used: oral reprimand, written reprimand, suspension and discharge. The Civil Service Rules do allow for demotion and reduction in pay in unusual circumstances.

*Oral Reprimand* – Any instance in which an employee is verbally warned about inadequate work, a rules violation, failure to follow directives, or other similar infractions constitutes an oral reprimand. The supervisor will keep individual records of oral reprimands, but if any written record of the reprimand is placed into the employee's

personnel file, it becomes a written reprimand. An oral reprimand should be used when a minor infraction has been committed.

*Written Reprimand* – Any letter, memo or other written document regarding an employee's shortcomings that appears in his personnel file is a written reprimand. A properly prepared written reprimand will be in the form of a letter to the employee listing the violations or failures as well as previous related oral warnings, or failures, and setting out corrective action necessary to avoid further corrective disciplinary action. A written reprimand should be used for second offenses of minor infractions or the first offense of a more serious infraction.

*Suspension* – Relieving an employee from work with or without pay for one or more days will constitute a suspension. A suspension should be used when a third offense of a minor infraction or a second offense of a more serious infraction occurs.

*Discharge* – Involuntary termination of an employee for cause from City service will constitute a discharge. Discharge should be used when there is a fourth offense of a minor infraction, a third offense of a more serious infraction or a first offense of an intolerable infraction.

### **Administration of Corrective Discipline**

In order to provide for review of recurring infractions as well as intolerable infractions, corrective discipline may be administered by all managers with the following limitations.

#### *Division Manager*

Administers oral and written reprimands

#### *Department Director*

Administers suspensions, preferably with the written recommendation of the Division Manager

#### *City Manager*

Approves the termination of an employee upon the written recommendation by the Division Manager and concurrence of the Department Head

### **Examples of Offenses**

#### *Minor Infractions:*

- Uncivil conduct
- Tardiness
- Unauthorized absence from the job
- Failure to maintain satisfactory working relationships with the public or other employees
- Smoking in unauthorized areas
- Profane, vulgar, or abusive language



- Inefficiency, incompetency or negligence in the performance of duties
- Other similar actions

*More Serious Infractions:*

- Gambling, sleeping on duty or other similar misuse of City time
- Careless, negligent or improper use of property
- Unauthorized or improper use of any type of leave
- Failure to report absences without notification
- Releasing confidential information without proper authority from supervisors
- Violation of, or failure to comply with, an executive order or published rules and regulations of the City
- Other similar actions

*Intolerable Infractions:*

- Intoxication or illegal use of drugs or controlled substances
- Fighting
- Refusal to work
- Theft
- Willful destruction of property
- Insubordination
- Failure to report serious acts of mismanagement or violation of law by supervisors
- Gross misconduct unbecoming an employee
- Conviction of a felony charged by court of proper jurisdiction, provided the felony is relevant to the position
- Falsifying time cards
- Use of undue influence or gain or attempt to gain promotion, leave, favorable assignment or other individual benefit
- Falsification, fraud or omission of information in applying for a position
- Failure to report absences from work without notification for a period of three days
- Failure to obtain or maintain a current license or certificate required by law or organizational standards as a condition of employment
- Any other act which endangers the safety, health or well-being of another person, or which is of sufficient magnitude that the consequences cause or act to cause disruption of work or gross discredit to the City
- Other similar actions

**Confidentiality**

The employee has the right to have a representative present whenever disciplinary action is being discussed with the supervisor. The supervisor is expected to maintain strict confidentiality regarding discussions or actions of the type.

Written reprimands of any kind and letters of suspension or termination must be placed in the employee's file in the Human Resources office. A copy must also be provided to the employee.

## **DEFINITIONS**

*Probationary Employee* – A probationary employee is a newly-hired employee whose service with the City has not yet exceeded the required probationary period for the position in which he or she is employed and who may be discharged with the approval of the City Manager without right of appeal during probation. Civil Service Regulations address notification required.



DEPARTMENT: Human Resources

AUTHORIZED BY: City Manager

EFFECTIVE DATE: 04.01.13

ISSUE DATE:

SUPERSEDES: N/A

---

***POLICY: BEHAVIORAL INTERVENTION***

**PURPOSE**

Establish a Behavioral Intervention Procedure. Identify and address personnel issues before behavior leads to formal discipline.

**POLICY SUMMARY**

The City of Yakima values its employees. It also recognizes that employees are subject to the frailties of humankind and that sometimes the problems of the human experience may negatively affect work performance and expected conduct. Each employee is responsible for his or her performance and behavior. Any issues which affect an employee's ability to perform the essential functions of his or her position at an acceptable level or that/which impact the city's ability to serve must be recognized and counseled by Human Resources. Once identified and confronted, it then becomes the individual employee's responsibility to change the subject behavior, and the city's responsibility to assist in that change. If, after assistance is provided, the employee chooses not to correct the behavior then the employee must realize a possible consequence of that choice may be corrective action up to, and including, termination of employment.

It is the City's practice to treat all employees and community members with courtesy, respect, dignity, and professionalism.

- A. The intervention program is designed to identify City employees who may be in need of City assistance; it is not a disciplinary process, nor is the program designed to interfere with promotion, transfer, bidding, or other employment benefits. Employees must understand that supervisors and/or managers may refer to past behavior or performance issues when making decisions regarding the employee's current and future employment. Intervention records will be maintained separately from the City's disciplinary records and personnel file in the Human Resources office.
- B. An essential element of an effective personnel management system is the early identification of employees who engage in conduct that is contrary to the goals of the City.

- C. Supervisory employees are responsible for monitoring the performance of the staff they supervise. The performance of all personnel will be monitored continually for both positive and negative aspects. Supervisory employees are required to take the necessary actions to resolve unacceptable levels of performance and insure that all available City resources are utilized in this endeavor.
- D. It is understood that nothing in this policy precludes the forwarding of a formal complaint for full investigation when it is deemed appropriate.

## **SCOPE AND APPLICABILITY**

- A. Any behavior considered unacceptable and not subject to the Disciplinary Policy.
- B. Behavior subject to intervention may include, but is not limited to:
  - 1. A noted and significant reduction in an employee's performance.
  - 2. Repeated tardiness.
  - 3. Unscheduled leave (excessive unscheduled absences).
  - 4. Medical Leave misuse – a pattern which suggests excessive usage of medical leave (use of medical leave for a serious illness is not a behavioral intervention indicator).
  - 5. Significant deviations from an employee's normal behavior or the conduct expected of the City.
  - 6. A pattern of complaints or allegations that suggest to the supervisor, manager or upper management that a behavior problem is developing.

## **POLICY AND PROCEDURES**

- A. Upon receiving information the supervisor will:
  - 1. Determine if the behavior falls within the scope of the Behavioral Intervention Program.
  - 2. Attempt to identify the causes of the employee's behavior.
  - 3. Not delay intervention and/or offering professional counseling through the Employee Assistance Program.
  - 4. Develop an individualized strategy to address the employee's identified behavior.
  - 5. Monitor and document behavioral changes.
  - 6. Provide guidance to prevent recurrence of the undesirable behavior.
  - 7. Forward the corresponding Behavioral Intervention report to Human Resources.
  - 8. Process and/or investigate the incident consistent with City Policy, Civil Service Rules or Collective Bargaining Agreements if it does not fall within the program scope.

B. Management

1. Review incidents to determine if they fall within the scope of the program.
2. Review relevant records concerning the employee's past work performance and disciplinary history.
3. Monitor the employee's performance and forward documentation of progress/change to Human Resources.

\*Program records and documents are not considered disciplinary in nature; are not an internal investigation; are not retained in the Human Resources personnel file.

C. Corrective actions that may be taken to address the identified behavior may include, but are not limited to:

1. EAP evaluation.
2. Changing assignment.
3. Retraining the employee in certain areas.
4. Placing the employee on Medical Leave Verification.
5. Recommending the employee attend a stress reduction seminar.
6. Monthly performance reviews by supervisors.
7. Participating in weekly conversations with the employee.
8. Conducting any combination of the above suggestions or any other appropriate strategies within the guidelines of City Policy and Collective Bargaining Agreements.

D. Record Keeping

1. All documentation will be maintained in the HR department but is available for review by supervisors or managers for evaluation purposes.
2. Documentation will be destroyed after 6 months following completion of the performance evaluation process.

## **REFERENCE DOCUMENTS**

Supervisors EAP Referral  
Individualized Performance Plan  
Behavioral Intervention Progress Report



**DEPARTMENT:** Administration

**AUTHORIZED BY:** City Manager

**EFFECTIVE DATE:** 03/01/2012

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:** 12/18/1985

---

***POLICY: CHRISTMAS EVE AND NEW YEAR'S EVE STAFFING***

**PURPOSE**

The purpose of this policy is to provide guidelines regarding the practice of providing employees with 4 hours of holiday time on or about Christmas Eve or New Year's Eve.

**POLICY SUMMARY**

This policy establishes the requirements of employment for employees to receive this benefit.

**SCOPE AND APPLICABILITY**

This policy applies to all City employees, in variable ways described in the policy.

**POLICY AND PROCEDURES**

**Christmas / New Year Holiday Time**

- Permanent employees will be allowed one-half day (maximum of 4 hours) of holiday time to be taken on either the afternoon of the last workday before December 25, or the afternoon of the last workday prior to January 1.
- Permanent part-time employees' holiday time will be pro-rated based upon the percentage status.
- Temporary employees are ineligible for this time off since they are not eligible for paid holidays.
- Employees who are unable to be released on either of the two days will be granted equivalent leave (4 hours) within the first two weeks of January.

Employees desiring the remainder of the day off when taking the 4 hours of holiday time may utilize vacation leave, compensatory time, their personal holiday, or other appropriate accrued time off. Department Heads and Division Managers are authorized to reduce to minimum staffing levels necessary to keep City services operational on

Christmas Eve and New Year's Eve providing the City's offices are open for normal office hours.

#### **REFERENCE DOCUMENTS**

City of Yakima Resolution R-2005-184

Yakima Municipal Code, subsection 2.40.080: Holidays with Pay.



**DEPARTMENT:** Information Systems

**AUTHORIZED BY:** Communications &  
Technology Manager

**EFFECTIVE DATE:** 03/01/2012

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:** 04/07/1994

---

***POLICY: CITY-OWNED WIRELESS DEVICES***

**PURPOSE**

The City of Yakima provides many of its employees with wireless devices, e.g. cellular telephones, smart phones, laptops equipped with wireless access, tablets, etc. (hereafter wireless devices) to assist employees in conducting City business and serving the public.

**POLICY SUMMARY**

This policy provides guidance to all City employees regarding the appropriate use of City owned wireless devices. Except for limited personal use as described herein, wireless devices must only be used for City business. All other uses are prohibited.

**SCOPE AND APPLICABILITY**

This Policy applies to all employees of the City of Yakima.

**POLICY AND PROCEDURES**

**Wireless Devices User Identification/Password**

Users shall ensure the wireless device they are issued is protected by user identification or passwords, to the extent available, to prevent access to City technology resources. These user identifications/passwords should not be shared with others. Each employee is responsible for all activity conducted through the use of his/her wireless device.

**Privacy**

Employees should not have any expectation of privacy in the electronic communications and files maintained, stored or transmitted on City wireless devices. Such systems and the electronic communications and files stored thereon are the property of the City and are only to be used for City business. The City reserves the right, through appropriate City personnel, to inspect and copy all such electronic communications and files at any time without notice to or consent of the respective wireless device user.



## Confidentiality

Confidentiality, or lack thereof, is an issue that should be considered when using City wireless devices. The potential exists that an unauthorized user will access confidential and/or sensitive information on these devices and the information contained therein is considered “public records” subject to disclosure under Washington State law.

## Intended Use and Application:

- City Wireless devices and data services are intended and shall be used ***primarily*** for city business and in the event of emergencies.
- Wireless devices are intended to be used for departmental operation efficiencies and to protect the lives and safety of city employees and the citizens they serve. If a less costly form of communications is readily available, safe and convenient, every effort will be made for City employees to use the alternative form.
- The City and employees recognize that cellular transmissions are not secure and will take every precaution and discretion in relaying confidential or sensitive information.
- The City and employees recognize the need to protect the cellular equipment from vandalism and / or theft.
- The City and employees recognize that occasions will arise in which personal calls or data communications need to be made and received, but the devices shall not be used primarily for personal use.
- Each month the Communications and Technology Division provides a recap and the detailed billing from the cellular phone company to the City divisions/departments pertaining to monthly use of cellular devices. Personal use is to be reviewed by the division managers at the division level; division usage monitored by department directors; department director usage monitored by the City Manager. **It is the divisions'/departments' responsibility to maintain these complete monthly usage records in accordance with public disclosure laws.**
- The City reserves the right to review and monitor the use of all City-owned devices. The employees shall have no expectation of privacy regarding the cellular device records on city owned equipment.

## Prohibited Uses

Examples of prohibited uses include, but are not limited to, the following:

- Any of the prohibited uses listed in Administrative Code, 1-400, *City-owned Technology Resources*, (Formerly ADM 620, Computer Use, 3/25/03).
- *Excessive personal calls or data communications (note item 5 above for allowable use)* – any call or data communication which is made or received for which there is no City business need/purpose.

- *For example, a call to a friend to discuss an upcoming event not related to City business would be a “personal call.” This is different than a call made to an employee’s residence to indicate a change in work schedule or work plans. This would be considered a work call.*
- Another clear example of a work-related call might be the reporting of an emergency situation within or outside Yakima’s *City limits*.
- It is prohibited to use Text Messaging for City business related communications. Because text messaging for the most part is undiscoverable it is a violation of Washington State Public Disclosure laws to conduct city business by this method. Unless a specific city business need is identified, text messaging will be disabled on wireless devices. Those employees that require text messaging in conjunction with the public safety computer system will have the feature available only for those services. If circumstances dictate the use of text messaging for city business then it is the responsibility of the employee to document those communications in a discoverable method.
- When operating a motor vehicle the use of handheld wireless communication devices is prohibited, with the exception of emergency vehicles, pursuant to RCW 46.61.667.

If an employee has any doubts about whether a particular activity is appropriate, then the employee should ask his/her supervisor or division manager, or contact Communications and Technology Division personnel for guidance.

### **Administration and Operation of City Wireless Devices**

The Communications and Technology Division is responsible for administering and maintaining all City wireless devices. Such responsibilities include, but are not limited to, the following:

- Review and approval of wireless device purchases.
- Setup of wireless devices, including establishment of data communication networks. Only Information System Division personnel are authorized to perform such setup.
- Development, implementation and maintenance of security procedures to ensure the integrity of City technology Resources.
- Denial/withdrawal of access to wireless devices when an employee is engaged in activities that violate this Policy or when otherwise necessary for the operation of City computer systems.
- Notification of appropriate management personnel of violations of this Policy.

### **Discipline for Violation of Policy**

Any violation of this Policy shall be considered cause for disciplinary action, up to and including termination.



**DEPARTMENT:** Information Systems

**AUTHORIZED BY:** Communications &  
Technology Manager

**EFFECTIVE DATE:** 03/01/2012

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:** 03/25/2003

---

***POLICY: CITY-OWNED TECHNOLOGY RESOURCES***

**PURPOSE**

To assist employees in conducting City business and serving the public, the City of Yakima provides many of its employees with access to computers, computer-related hardware and software, networking systems such as electronic mail ("e-mail") and the Internet. It is important to remember that such equipment and systems are the property of the City and should only be used for City business in compliance with this policy.

**POLICY SUMMARY**

This policy provides guidance to all City employees regarding the appropriate use of City computers, computer-related hardware and software, e-mail, and the Internet. Except for limited personal use as described herein, City-owned computers, computer-related equipment and accessories, computer hardware and software, and networking systems utilized on City computers must only be used for City business in accordance with this policy. All other uses are prohibited.

**SCOPE AND APPLICABILITY**

This Policy applies to all employees of the City of Yakima.

**POLICY AND PROCEDURES**

**Computer User Identification/Password**

Computer user identifications, passwords, and account numbers should not be shared with others. Each employee is responsible for all activity conducted through use of his/her computer user identifications, passwords, and account numbers.

**Privacy**

Employees should not have any expectation of privacy in the electronic communications and files maintained and stored on City systems. Such systems and the electronic communications and files stored thereon are the property of the City and are only to be used for City business. The City reserves the right, through appropriate City personnel,

to inspect and copy all such electronic communications and files at any time without notice to or consent of the respective computer user.

## **Confidentiality**

Confidentiality, or lack thereof, is an issue that should be considered when using City Technology Resources. The potential exists that an unauthorized user will access confidential and/or sensitive information on City systems. Additionally, many of the electronic communications and files stored and maintained on City systems are considered “public records” subject to disclosure under Washington State law.

## **Prohibited Uses**

Examples of prohibited uses include, but are not limited to, the following:

- Any form of private commercial use (i.e., conducting a private business enterprise utilizing City computer systems).
- Violations of copyright, trade secrets or other intellectual property laws (i.e., downloading copyrighted material from the internet without prior authorization).
- Installation of any software that has not been approved by the City.
- Sharing or storing any unlicensed software or audio/video files.
- Communication of information that is inappropriate for the workplace (i.e., using e-mail to send or receive vulgar, obscene, pornographic, and/or sexually explicit material and/or messages; using e-mail to send harassing, derogatory or discourteous messages).
- Accessing information that is inappropriate for the workplace (i.e., accessing obscene/pornographic/sexually explicit material on the internet; accessing racist sites on the internet; accessing “hate” sites on the internet).
- Political purposes (i.e., preparing or disseminating campaign material on a City system that advocates for or against a political candidate or ballot measure).
- Religious purposes (i.e., using e-mail to communicate messages promoting religious institutions or activities).
- Excessive use of; online shopping, social networking or streaming media for entertainment during working hours.
- Using City email address when posting to public forums; e.g. blogs, wikis and discussion list for personal use.
- Inappropriately interfering with or disturbing the operation of City computer systems (i.e., installing unauthorized software; distributing unsolicited advertising; propagating computer worms or viruses; distributing quantities of information meant to overwhelm City computer systems; attempting to gain or gaining unauthorized access to any part of City computer systems).

- Attempting to access or accessing another employee's computer files without prior authorization from the employee or appropriate management personnel.
- Any use that is in violation of local, state, or federal law.

If an employee has any doubts about whether a particular activity is appropriate, then the employee should ask his/her supervisor or division manager, or contact Communications and Technology Division personnel for guidance.

### **Use of Personal Technical Resources for City Business**

The use of personal resources, (computers, tablets, laptops, etc.) for city business is strongly discouraged. If situations demand, it should be incidental use and not as a primary method of conducting city business. If city business is conducted on a personal device, that device and the information contained on it may be subject to the Public Disclosure discovery laws.

### **Limited Personal Use**

Limited personal use of the City Technology Resources, including e-mail and the internet, may be permitted with prior approval from the respective Division Manager or Department Head in accordance with the following guiding principles:

- It is incidental, occasional and of short duration.
- It does not interfere with the employee's or any other employee's job activities. This includes activities which might pose a conflict of interest or appearance of fairness problem with the individual's employment with the City.
- It does not result in incremental expense to the City. Examples of "incremental expense" include, but are not limited to:
  - Billable internet usage.
  - Long-distance telephone, cellular phone or fax charges.
- The employee has his/her supervisor's prior approval for said personal use, which approval shall only be given when consistent with the requirements of this Policy.
- It does not solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations.
- It does not violate the other "prohibited uses" or other specific limitations outlined in this Policy.
- No storage of personal files, music, videos, pictures, etc. on City technology resources.
- That the employee does not have a reasonable expectation of privacy in the electronic communication and documentation generated or received by the

employee as part of his/her limited personal use, and that such is subject to inspection and copying at any time by appropriate City personnel. In addition, such electronic communications and/or documentation may be subject to disclosure under Washington State Public Disclosure laws.

Please note that such limited personal use may be revoked or terminated by the respective Division Manager or Department Head at any time for any reason. Notwithstanding the foregoing, a Division Manager or Department Head may also adopt and utilize a strict no personal use policy.

### **Administration and Operation of City Technical Resources**

The Communications and Technology Division is responsible for administering and operating all City computer systems. Such responsibilities include, but are not limited to, the following:

- Review and approval of computer hardware and software purchases. All purchases of computer hardware and software by any City Department or Division must be pre-approved by the Communications and Technology Division Manager or his/her designee.
- Setup of computer hardware and installation of computer software, including establishment of data communication networks. Only Communications and Technology Division personnel are authorized to perform such computer hardware and software setup and installation.
- Development, implementation and maintenance of security procedures to ensure the integrity of City computer systems.
- Monitoring of all computer activity, including internet and e-mail usage, to ensure that such activities are in accordance with acceptable performance standards and comply with this Policy.
- Denial/withdrawal of access to City computer systems when an employee is engaged in activities that violate this Policy or when otherwise necessary for the operation of City computer systems.
- Notification of appropriate management personnel of violations of this Policy.
- Removal of inappropriate software and files from City computer systems.
- Train City employees regarding the proper use of City computer systems.

### **Discipline for Violation of Policy**

Any violation of this Policy shall be considered cause for disciplinary action, up to and including termination.

**ADMINISTRATIVE POLICIES**

**REISSUED POLICY NUMBER: 1-500**

**FORMER POLICY NUMBER: None**



**DEPARTMENT:** Human Resources

**AUTHORIZED BY:** City Manager / HR Manager

**EFFECTIVE DATE:** 03/01/2012

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:** none

***POLICY: DOMESTIC VIOLENCE LEAVE***

**PURPOSE**

The purpose of this policy is to enable employees who are the victim of domestic violence, sexual assault, or stalking to take reasonable leave from work for legal or law-enforcement assistance, medical treatment, or counseling.

**POLICY SUMMARY**

Pursuant to the provisions of the Revised Code of Washington, Chapter 49.76, this policy describes the provisions for which notice of domestic violence leave should be given to the City.

**SCOPE AND APPLICABILITY**

This policy impacts all Departments of the City of Yakima.

**POLICY AND PROCEDURES**

Recognizing the effects of domestic violence on families and out of concern for the well-being of our employees, pursuant to the provisions of the Revised Code of Washington, Chapter 49.76, the City's domestic violence leave policy enables employees who are the victim of domestic violence, sexual assault, or stalking to take reasonable leave from work for legal or law-enforcement assistance, medical treatment, or counseling. Leave may be consecutive leave, intermittent leave, or leave on a reduced leave schedule, with or without pay. Leave may be taken to ensure the health and safety of the employee or the employee's family members. "Family Member" includes a child, spouse, parent, parent-in-law, grandparent or person with whom the employee is dating.

**Notice**

Employees who want to take Domestic Violence Leave must provide the City with advance notice of intention to take said leave, if the need for the leave is foreseeable. When advance notice cannot be given, because of an emergency, unforeseen circumstances or domestic violence, sexual assault, or stalking, the employee or his or her designee must give notice to the employer no later than the end of the first day that the employee takes such leave.

**For Guidance**

For more information on this policy, or if you think you may need to take Domestic Violence Leave, please contact Human Resources. Employees are encouraged to contact Human Resources with any questions about how the various laws are coordinated in a particular situation.

The City reserves the right to change this policy at any time.

**REFERENCE DOCUMENTS AND PROCEDURES**

This policy is governed by the provisions of the Revised Code of Washington, Chapter 49.76.





DEPARTMENT: Human Resources

AUTHORIZED BY: City Manager, HR Manager

EFFECTIVE DATE: 03/02/2012

REISSUE DATE: 11/01/2012

SUPERSEDES: 08/07/1991

---

***POLICY: EMPLOYEE ASSISTANCE PROGRAM***

**PURPOSE**

The objective of the Employee Assistance Program is to reduce problems in the work force and to retain valued employees.

**POLICY SUMMARY**

The City recognizes that problems of a personal nature can have an adverse effect on an employee's job performance. It is also recognized that most personal problems can be dealt with successfully when identified early and referred to appropriate care. The Employee Assistance Program provides these services through special arrangements with an outside counseling resource.

**SCOPE AND APPLICABILITY**

The program is available to all permanent employees and their family members.

**POLICY AND PROCEDURES**

The program deals with a broad range of human problems such as emotional/behavioral, family and marital, alcohol and/or drug, financial, legal and other personal problems.

The program provides problem assessment, short term counseling referral, wellness training, and a variety of other training activities. Costs for these services are covered by the City of Yakima. Costs incurred for additional services not covered by the EAP, insurance or other benefits are the responsibility of the employee.

City employees and their immediate family are eligible for services through "Northwest Associates," an affiliate of Northwest Employee Assistance Program (EAP) located at 1200 Chesterly Drive, Suite 200, Yakima, Washington, with other offices conveniently located in Ellensburg, Sunnyside, Goldendale and White Salmon.

Employees or family members may voluntarily seek assistance through the EAP simply by calling Northwest Associates at 509-575-4313. General hours are 7:30 a.m. to 5:00 p.m., Monday through Friday. Employees may receive the employee assistance provider newsletter, "***The Resolution***", on a quarterly basis.

## **POLICY SPECIFICS**

1. The City of Yakima is concerned with an employee's personal problems and how they affect him/her as a person as well as how the employee's wellbeing influences his/her work performance.
2. The policy applies to all permanent employees of the City of Yakima, no matter what their job title or responsibilities.
3. The program is available to employees or their families on a self-referral basis since problems at home can affect the job. If employees or family members have personal problems that may benefit from assistance, they are encouraged to use the program.
4. Participation in the program will not jeopardize an employee's job security, promotional opportunities or reputation.
5. All records and discussions of personal problems will be handled in a confidential manner. These records will be kept by our contracted EAP provider and will not become a part of the employee's personnel file.
6. All levels of management are responsible for using this program when appropriate to assist in resolving job performance problems related to personal problems.
7. Employees may be encouraged to seek assistance to determine if personal problems are causing unsatisfactory job performance. If performance problems are corrected, no further action will be taken. If performance problems persist, the employee will be subject to normal corrective procedures.
8. Appointments with the EAP provider may be scheduled on City time with prior approval of the employee's supervisor, for up to three (3) visits per year. The EAP counselor may contact the department head for authorization for additional time off. Sick leave or disability leave or other accrued time shall be used for time spent beyond the above limit for the purpose of extended counseling or treatment. If the employee requests that the purpose of the leave not be disclosed to his/her immediate supervisor, the department head shall maintain the confidentiality regarding the reason for leave. In the case of a supervisor referral, only information an employee gives written permission to have communicated to their supervisor will be released.
9. This policy does not alter or replace existing City administrative policies or contractual agreements, but serves to assist in their utilization.

If additional information is needed regarding this program, please feel free to contact the Human Resources Office or the EAP provider.



**DEPARTMENT:** Human Resources

**AUTHORIZED BY:** City Manager / HR Manager

**EFFECTIVE DATE:** 03/01/2010

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:** Compensatory Time Portion  
of PERS 301 dated 03/01/1983

***POLICY: EMPLOYEE CLASSIFICATIONS***

**PURPOSE**

The purpose of this policy is to provide direction related to compensation administration and compliance with the Fair Labor Standards Act (FLSA).

**POLICY SUMMARY**

This policy specifies how employees are classified for the purposes of compensation administration.

**SCOPE AND APPLICABILITY**

This policy applies to all City personnel as indicated in the policy.

**POLICY AND PROCEDURES**

The Human Resources Division is responsible for classifying employees. Employees generally may be categorized as follows:

- a) A full-time employee is an individual who works a regularly scheduled workweek, normally Sunday through Saturday, beginning and ending at midnight on Saturday, and consisting of forty hours, and is hired for an indefinite period. A full-time employee may be classified as either exempt or nonexempt. (Different work schedules, such as in the case of police, fire, water, wastewater employees, may be established by the Collective Bargaining Agreements (CBA).
- b) A part-time employee is an individual who works less than a normal workweek and is hired for an indefinite period. A part-time employee may be classified as either exempt or nonexempt.
- c) A seasonal employee is an individual who works less than 12 months in a calendar year and is hired for an indefinite period. A seasonal employee may be classified as either exempt or nonexempt.
- d) A temporary employee generally is an individual who is hired either part-time or full-time for a specified, limited period. A temporary employee may be classified as either exempt or nonexempt.

- e) A nonexempt employee generally is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) and is typically paid either on an hourly or salaried basis.
- f) An exempt employee is exempt from the provisions of the FLSA and is not entitled to overtime payments. Exempt employees are typically paid on a salaried basis and include executive, administrative, professional and computer employees.
  - Exempt employees are not entitled to overtime compensation for hours worked in excess of the normal workday or workweek. As exempt employees, they are not compensated based on the number of hours that they work.

In addition, the City of Yakima may supplement the regular workforce, as needed, with other forms of flexible staffing.



**DEPARTMENT:** Finance  
Information Technology

**AUTHORIZED BY:** Cindy Epperson, Director  
Wayne Wantland, Manager

**EFFECTIVE DATE:** 09/01/2012  
**SUPERSEDES:**

**REISSUE DATE:** 11/01/2012

---

***POLICY: EMPLOYEE TIMEKEEPING***

**PURPOSE**

To ensure that the City and its employees are in compliance with Federal, State and City regulations and guidelines for tracking and reporting attendance and that the City is using government best practices in timekeeping.

**POLICY SUMMARY**

This policy defines the roles, responsibilities and methods used to ensure that the City is tracking and reporting attendance correctly and accurately, and in compliance with applicable Federal, State and City regulations.

**SCOPE AND APPLICABILITY**

This policy applies to all City of Yakima employees, supervisors, timekeepers and managers.

**POLICY AND PROCEDURES**

All City of Yakima employees will report their time worked and leave taken in the City's automated time and attendance system. The reports generated by this system are the official records for the hours worked and leave used by all employees of the City. Hand written timesheets will only be used as an exception with prior approval.

**Roles and Responsibilities**

**Employee:**

- The employee is responsible to truthfully and accurately submit hours worked and leave taken into the City's system.
- Employees are required to create and submit their own time cards.
- A supervisor, timekeeper or administrator cannot submit an employee's time card except in the following circumstances:
  - 1.) When approved by the City Manager.
  - 2.) When circumstances require that a supervisor, timekeeper or administrator submit an employee's time card due to payroll time submittal requirements and the employee is unavailable to submit their time.

**Supervisor:**

- The employee's supervisor is responsible for approving and ensuring the accuracy of the time card submitted by the employee.

**Timekeeper:**

- The timekeeper is responsible for ensuring time submitted is in compliance with city policy, collective bargaining agreements (CBA) and all applicable State and Federal laws (e.g. Fair Labor and Standards Act (FLSA), Family Medical Leave Act (FMLA)).

**Manager/Director:**

- The Director or Manager is the final approving authority for the information entered by the employee into the City's automated time and attendance system.

**CRITICAL NOTE:** To maintain adequate internal controls, no Supervisor, Manager or Director shall also be assigned the role of Timekeeper.

**Exception:**

With the City Manager's or designee's approval, if a division does not have adequate personnel to have separate supervisory and timekeeping roles, the Supervisor or Division Manager may assume the role of timekeeper. In this situation, with no exceptions, the employees must submit their own timecards.

**Timekeeping Methods****FLSA Overtime Exempt Employees:**

- For overtime exempt employees, their normal work schedule will be automatically generated when the employees submit their time card for approval.
- Overtime exempt employees need to submit leave requests for approval for full day absences.

**Dynamically Scheduled Employees:**

- When minimum personal coverage for shift work is a requirement, a Dynamic Schedule created in the City's automated time and attendance system can be approved for use.
- The employee's normal schedule will be preloaded and maintained by the timekeeper.
- Once a leave request is submitted by the employee and approved by the supervisor, the schedule will be updated.
- Overtime will be submitted using the automated system following the department's procedure. Overtime procedures are to be in compliance with appropriate rules, laws and CBA's.

**Clocking In/Out:**

- All employees who are not FLSA overtime exempt or on an approved dynamic schedule are required to use the clocking in/out method of recording hours worked and leave taken.
- The employee is responsible for clocking in and out at the appropriate time. The employee is responsible for understanding the rounding features of the system. Time clocked in or out will not be adjusted due to rounding feature in current system.
  - If an employee clocks out more than 7 minutes after the end of their shift that time will be considered overtime. This will require the approval of the employee's supervisor.

**General Provisions****Manual Corrections:**

- Manual corrections can be made in case of legitimate errors such as forgotten punches or clock malfunctions.
- If an error occurs, the employee is to notify their supervisor or timekeeper as soon as possible. The time card will be returned to the employee. The employee can then correct the error and resubmit the time card.

**Disagreement over recorded times:**

- If an employee disagrees with the time indicated in the automated time and attendance system, they will review the issue with their supervisor.
- If the results of the review indicate that a change should be made, the supervisor will notify the director/manager of the needed change.
- The time card will be returned to the employee to be corrected and resubmitted. If the error is from a prior period, the timekeeper will have to make a prior period adjustment.

**Tampering**

Any attempt to tamper with the timekeeping hardware or software is a serious offense. The employee is subject to the disciplinary process up to and including termination of employment.

**Falsification**

Clocking in for an absent or late employee is a serious offense. Both employees are subject to the disciplinary process up to and including termination of employment.



**DEPARTMENT:** Human Resources

**AUTHORIZED BY:** City Manager / HR Manager

**EFFECTIVE DATE:** 02/01/2009  
**SUPERSEDES:**

**REISSUE DATE:** 11/01/2012

---

***POLICY: EQUAL EMPLOYMENT OPPORTUNITY***

**PURPOSE**

The purpose of this policy is to ensure a working environment free from unlawful discrimination.

**SCOPE AND APPLICABILITY**

This policy impacts all Departments of the City of Yakima.

**POLICY AND PROCEDURES**

It is the policy of the City of Yakima to provide equal employment opportunity to employees and applicants for employment without regard to age, sex, race, creed, religion, color, national origin, marital status, disability, honorably discharged veteran or military status, pregnancy, sexual orientation, and any other classification protected under federal, state, or local law. Equal employment opportunity applies to all terms, conditions, and privileges of employment, including hiring, promotion, transfer, compensation, benefits, layoff, training, discipline, and discharge.

**DEFINITIONS**

Sexual Orientation – is defined as in Washington State law. See RCW 49.60.040(15), defining sexual orientation as “heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, ‘gender expression or identity’ means having or being perceived as having a gender identity, self image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.”

**REFERENCE DOCUMENTS AND PROCEDURES**

See also Administrative Code Policy 1-2400, Workplace Anti-Harassment (formerly HR 1800, Workplace Anti-Harassment, 2/1/2009)





DEPARTMENT: Human Resources

AUTHORIZED BY: City Manager / HR Manager

EFFECTIVE DATE: 03/01/2009  
SUPERSEDES:

REISSUE DATE: 11/01/2012

---

***POLICY: FAMILY AND MEDICAL LEAVE (FMLA)***

**PURPOSE**

The purpose of this policy is to enable employees to take time off, under certain conditions, for health reasons or to care for family members.

**POLICY SUMMARY**

This policy is administered in accordance with the federal Family and Medical Leave Act (FMLA) and the Washington Family Leave Act (FLA). It establishes the conditions and requirements for employees to take family or medical leave under this act. Nothing in this policy affects or supersedes any federal or state law or collective bargaining agreement that may provide greater entitlements to medical or family leave than those set forth in this policy.

**SCOPE AND APPLICABILITY**

This policy impacts all Departments of the City of Yakima.

**POLICY AND PROCEDURES**

**Information Dissemination.** A notice entitled "Employee Rights and Responsibilities Under the Family and Medical Leave Act" will be posted on City bulletin boards and will be provided to all new employees upon hire and included in the Employee Handbook.

**Eligibility.** To be eligible for leave under this policy, an employee must have been employed by the City for at least 12 months and must have worked at least 1,250 hours in the preceding 12 months.

**Leave Entitlement.** An eligible employee may request up to 12 workweeks of FMLA leave per "leave year" for one or more of the following reasons:

1. To care for the employee's child upon birth, or to care for a child upon the child's placement with the employee for adoption or foster care;
2. To care for a spouse, son, daughter or parent who has a serious health condition;
3. To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position (including incapacity due to pregnancy, prenatal medical care or childbirth); or
4. For a "qualifying exigency" arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member who is on active duty, or has been notified of an impending call to active duty in support of a contingency operation. Covered military members are members of the National Guard or Reserves, and certain retired military service personnel, who have been called to active duty or notified of an impending call to active duty. Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

The City defines the leave year as the twelve-month period measured forward from the date of an employee's first use of FMLA leave. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. Spouses employed by the City are jointly entitled to a combined leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent with a serious health condition. Each spouse is, however, eligible for the full 12 weeks of leave in the 12-month leave period to care for a child or spouse with a serious health condition, or for either employee's own serious health condition.

An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured service member who is the employee's spouse, parent, child or next of kin. A covered service member is a current member of the Armed Forces, including National Guard or Reserves members, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list. For purposes of this kind of leave, the 12-month period begins with the first day the employee takes leave. The combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.

**Serious Health Condition.** A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

1. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility;
2. A period of incapacity of more than three consecutive, full calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider;
3. A period of incapacity due to pregnancy or for prenatal care;
4. A period of incapacity or treatment due to a chronic serious health condition, for a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity of more than three full, consecutive calendar days in the absence of medical treatment (e.g., chemotherapy for cancer or dialysis for kidney disease).

**Intermittent or Reduced Work Schedule Leave.** In certain circumstances, eligible employees may take FMLA intermittently (for example, in smaller blocks of time) or by reducing their work schedule. If the FMLA leave is because of the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency arising from a family member's military service. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City's permission. Where intermittent leave or reduced-schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the City's operations. Where an employee needs intermittent or reduced-schedule leave based on planned medical treatment, the City may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

**Notice and Certification.** Employees who want to take FMLA ordinarily must provide the City with at least 30 days' notice of the need for leave, if the need for leave is foreseeable. If 30 days' advance notice is not possible, notice must be provided as soon as practicable (which is generally the same day or next business day after the need for leave becomes known). Absent unusual circumstances, employees are required to follow the City's regular procedural requirements when requesting FMLA leave. When

requesting leave, employees must provide sufficient information for the City to determine whether the leave may be FMLA-qualifying, and the anticipated timing and duration of requested leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

When leave is requested in connection with planned medical treatment, the employee must make a reasonable effort to schedule treatment in order to prevent disruptions to City operations.

In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification from a health care provider of the serious health condition. The City may require a second or third opinion (at City expense), periodic re-certifications of the serious health condition and, when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work. Employees who need leave for a qualifying exigency arising from a family member's military leave must provide a certification confirming the need for leave.

The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City also may delay or deny approval of leave for lack of proper certification establishing the need for leave.

Please contact Human Resources to obtain further information and forms relating to FMLA leave requests.

**Continuation of Pay and Benefits:** FMLA leave is unpaid leave. However, employees are required to use any accrued paid leave available to them as part of their 12 weeks of FMLA leave.

During all leave under this family and medical leave policy, the City will continue to pay the employer's portion of health insurance premiums, provided that the employee continues to pay his/her share of insurance premiums, if any. Failure of the employee to pay his/her portion of the premium may result in cancellation of health insurance. Under certain circumstances, if an employee fails to return to work at the end of the leave, the employee may be responsible to pay back the City for the employer portion of the health insurance premiums. Accrual of vacation and sick leave are determined by other city policies.

**Job Restoration Upon Return From Leave.** Upon return from family and medical leave, an employee will be entitled to return to the employee's former position or a position with equivalent pay, benefits and conditions of employment, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). If the employee chooses not to return to work for any reason, the employee should notify the City as soon as possible.

**Leave for Pregnancy Disability and to Care for Newborn.** In addition to leave under the federal FMLA described above, state law provides certain additional leave rights in connection with pregnancy-related disability and to care for a newborn. Regardless of whether an employee is eligible for FMLA leave, she is entitled Pregnancy Disability leave for the period of time that she is temporarily disabled because of pregnancy or childbirth. Medical certification may be required to confirm the need for leave. If the employee is eligible for FMLA leave, the Pregnancy Disability leave will run concurrently with FMLA leave. Pregnancy Disability leave is unpaid and health benefits are not automatically continued (unless the employee is also eligible for FMLA leave); however, accrued leave may be used and the employee may continue insurance coverage at her expense.

The Washington Family Leave Act (FLA) provides certain additional leave benefits to care for a newborn. The FLA largely mirrors the FMLA, with the same eligibility standards and entitlement to 12 weeks of leave for family and medical reasons. In most situations, leave under the FLA runs concurrently with FMLA leave. However, the FLA leave does not run concurrently with any leave taken for Pregnancy Disability leave; this affords an employee time off to care for her newborn once she has recovered from the Pregnancy Disability.

For example, assume that an FMLA and FLA-eligible employee works up to her delivery date, and needs six weeks of Pregnancy Disability leave to recover from childbirth. This six-week period is also covered by FMLA leave. At that point, where the employee is no longer disabled from childbirth, the employee also has up to 12 weeks of FLA leave available to care for the newborn. The remaining six weeks of FMLA leave would run concurrently with the FLA leave. Thus, the total leave entitlement in this case would be 18 weeks: six weeks of Pregnancy Disability leave (running concurrently with the first six weeks of FMLA leave) followed by 12 weeks of FLA leave (running concurrently with the remaining six weeks of FMLA leave).

**For Guidance.** For more information on any of these leave policies, or if you think you may need to take a Family and Medical Leave, please contact Human Resources. The leave laws, particularly those applicable to pregnancy and childbirth, can be confusing. Employees are encouraged to contact Human Resources with any questions about how the various laws are coordinated in a particular situation.

The City reserves the right to change this policy at any time.

## **REFERENCE DOCUMENTS**

The following forms are related to this policy and may be obtained from the Human

Resources Department:

- Certification of Health Care Provider for Employee's Serious Health Condition
- Certification of Health Care Provider for Family Member's Serious Health Condition
- Employee's Request for Leave
- Supervisor's Verification of Eligibility for Leave



**DEPARTMENT:** Administration

**AUTHORIZED BY:** City Manager

**EFFECTIVE DATE:** 05/18/1994  
**SUPERSEDES:**

**REISSUE DATE:** 11/01/2012

---

***POLICY: FIREARMS POSSESSION AND USE RESTRICTIONS***

**PURPOSE**

Interactions of City employees with the public occasionally result in potentially volatile situations/confrontations. The purpose of this policy is to help prevent these events from becoming violent by restricting use of weapons by City personnel. Accordingly, the City will take steps to assist City employees to avoid potentially volatile situation/confrontation(s) and to ensure prompt response from the appropriate City authority when necessary.

**POLICY SUMMARY**

This policy prohibits the use of firearms by City employees in general and provides for exceptions to this rule.

**SCOPE AND APPLICABILITY**

This policy is in effect for all City Employees.

**POLICY AND PROCEDURES**

The possession, use, and/or threatened use of any firearm (concealed, licensed, or otherwise) by a City employee while in the performance of his/her official duties is strictly prohibited.

This policy does not apply to commissioned police officers under contract with or employed by the City for investigatory, undercover and/or enforcement reasons, or an employee who is authorized to carry a firearm in the scope of their employment with the City by the City Manager & City Police Department.

Violation of this policy will result in discipline or discharge.

**Exceptions to Firearm Policy**

A City employee who reasonably believes it is necessary to carry a firearm for protection while he/she performs his/her official duties may apply in writing to the City Manager and the Police Chief for an employee firearm permit. The application must contain the following information:

- Sufficient identification of the firearm to be carried by the employee.
- Evidence demonstrating that the employee has adequate training and experience in the proper handling and safe use of the firearm (i.e., firearms training certificate, statement describing years of experience with firearm).
- Reason(s) upon which the employee bases his/her belief that it is necessary to carry the firearm for protection.

The employee must also agree in writing to defend, indemnify, and hold harmless the City for the employee's possession and use of the firearm. The decision to grant or not grant the employee a firearm permit is discretionary by the City Manager and the Police Chief.

An exception is also granted to the personnel in the electronics maintenance section to handle and possess City of Yakima Police Department weapons in the performance of their jobs. This exception only applies to the handling required to successfully perform the tasks of the electronic maintenance section and shall not be construed as permission to possess personal firearms while on duty.



**ADMINISTRATIVE POLICIES**

**REISSUED POLICY NUMBER: 1-1100**  
**FORMER POLICY NUMBER: PER 2100**



**DEPARTMENT:** Administration

**AUTHORIZED BY:** Interim City Manager

**EFFECTIVE DATE:** 08/01/2011

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:** n/a – New Policy

***POLICY: FRATERNIZATION***

**PURPOSE**

The purpose of this policy is to avoid the dangers of management fraternization with subordinate employees, to prevent the perception of improper conduct and to create a more supportive work environment for all employees.

**SCOPE AND APPLICABILITY**

This policy applies to all City employees.

**POLICY SUMMARY**

Managers, supervisors, or any other employees who have the authority to directly or indirectly affect the terms and conditions of another's employment shall not fraternize with such employees.

**POLICY AND PROCEDURES**

While the City encourages amicable relationships between management and subordinates, it recognizes that involvement in a romantic relationship may compromise, or create a perception that compromises, a manager's ability to perform his/her job. A manager or supervisor, who becomes romantically involved with someone he/she supervises, or with someone whose terms and conditions of employment he/she has the ability to influence, exposes himself/herself and the City to charges of favoritism, improper use of authority, and possibly sexual harassment. Even when no inappropriate conduct is involved, management fraternization with a subordinate employee may *appear* to others to involve improper use of authority, which is detrimental to morale. In order to avoid the dangers of management fraternization with subordinate employees, and to help prevent the perception of improper conduct, it is the City's policy that managers, supervisors, or any other employees who have the authority to directly or indirectly affect the terms and conditions of another's employment shall not fraternize with such employees. The fraternization prohibited by this policy includes, but is not limited to, dating, romantic involvement, or sexual relations. The City does not intend this fraternization policy to otherwise discourage friendships or social activities among City employees.

Should a personal relationship prohibited by this policy develop, the supervisor or manager involved shall notify his/her superior immediately. The City shall take whatever action is necessary, including removal of the parties from any continued supervisory lines of authority between them.

The City recognizes that the question of whether a relationship constitutes fraternization or simply a social relationship is a very personal issue. However, because of the potential for inappropriate conduct, employees are encouraged to bring questions regarding fraternization to the attention of their manager, supervisor, or the human resources manager.

Violation of this policy may lead to corrective action up to and including termination.



**DEPARTMENT:** Human Resources

**AUTHORIZED BY:** City Manager / HR Manager

**EFFECTIVE DATE:** 03/02/2012

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:** 07/30/1982

---

***POLICY: LEAVE WITHOUT PAY***

**PURPOSE**

The purpose of this policy is to clarify requirements for employees taking leave without pay.

**POLICY SUMMARY**

This policy formalizes past practice and administrative policy utilized in approving employee leave without pay, establishing guidelines for requesting this type of leave and specifying the consequences on leave accruals, holidays, and insurance coverage.

**SCOPE AND APPLICABILITY**

This policy applies to all City personnel.

**POLICY AND PROCEDURES**

Leave without pay may be approved to accommodate the needs of the employee within certain limitations. The following guidelines are designed to assist in authorizing such absences.

**Employee Action**

Employees must submit a written request for leave without pay which must be approved at least one week in advance of the requested starting date unless an emergency arises. Such requests must include the duration of, and expected date of return from the absence.

Unauthorized periods of leave without pay will be considered abandonment of position and will be cause for disciplinary action.

**Approval**

Only department heads may approve leave without pay for up to 30 calendar days duration. Exceptions are periods of leave without pay in excess of 30 days for those persons covered by the Police and Fire Civil Service Commission, which must be approved by that body, in accordance with its rules and regulations. For all other

employees, exceptions must be approved by the City Manager. Any period of leave without pay for a period of more than 5 calendar days shall be processed on a Personnel Action form (PA). Employees are not permitted to receive leave without pay until all applicable earned leaves and compensatory time have been exhausted, e.g. leave without pay for illness or disability may not be approved until all accrued sick leave, vacation leave, and compensatory time has been exhausted. Similarly, leave without pay for reasons other than illness may not be approved until all accrued vacation leave and compensatory time has been exhausted.

### **Effect on Leave Accruals**

Employees will not accrue additional sick leave or vacation benefits during any month they are not in a pay status for more than one-half of the month.

### **Effect on Holidays**

Employees will not receive compensation for holidays that occur during a period of leave without pay. In order to be eligible for holiday pay, an employee must be in a pay status both the workday before and the workday after the holiday.

### **Effect on Insurances**

A period of leave without pay will have no effect on medical, dental or life insurance benefits as long as the employee receives a pay check for the last half of each month. Should an employee not receive such a pay check, insurance premiums will not be paid by the City and insurance coverage will cease in accordance with the appropriate policies. In order to prevent any disruption in insurance coverage, employees may make the required premium payments directly to the City during any month in which a pay check will not be earned. Questions regarding this process should be addressed to the Payroll Office.

### **Other Considerations**

Employees will not be permitted to return to work for individual days during the period of leave without pay, nor may employees return to work for the days immediately preceding or following a holiday for the purpose of receiving holiday pay.

Unless otherwise specified by the appropriate Civil Service Rule or Collective Bargaining Agreement, periods of leave without pay have no effect on seniority, length of service, or longevity. However, such absences shall not be included when computing the length of time for within range (step) pay increases.

### **REFERENCE DOCUMENTS**

City of Yakima, Municipal Code 2.40.060

**ADMINISTRATIVE POLICIES**

**REISSUED POLICY NUMBER: 1-1300**  
**FORMER POLICY NUMBER: ADM 301**



**DEPARTMENT:** Administration

**AUTHORIZED BY:** City Manager

**EFFECTIVE DATE:** 05/02/1998

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:** 08/08/1973

---

***POLICY: PRIVATE USE OF CITY PROPERTY***

**PURPOSE**

This policy is to ensure that employees do not use City-owned equipment for private purposes.

**SCOPE AND APPLICABILITY**

This policy is in effect for all City Employees.

**POLICY AND PROCEDURES**

In accordance with State law, City-owned facilities, vehicles and equipment purchased with public funds are intended solely for authorized use in conducting official City business. Accordingly, no employee shall use, request, or permit the use of City vehicles, equipment, materials or property for personal use, personal convenience, or personal profit. City cars are not to be used for private purposes. Shop equipment may not be used for the repairs of personal automobiles or other private projects. Additionally, employees shall not knowingly use their office or position for personal or family gain or profit.

Note: This policy combines and replaces "Private Use of City Equipment," effective 8-8-1973 and "Use of City Property for Personal Use," effective 5-2-1988.



**DEPARTMENT:** Administration / City Clerk

**AUTHORIZED BY:** City Manager / City Clerk

**EFFECTIVE DATE:** 02/28/2011

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:** 04/02/2008

---

***POLICY: PUBLIC RECORDS DISCLOSURE***

**PURPOSE**

The City of Yakima is committed to providing full access to public records in accordance with the Washington State Public Records Act (RCW Chapter 42.56). The purpose of the Act is to provide the public with full access to records concerning the conduct of government, mindful of individual privacy rights and the desirability of the efficient administration of government.

**POLICY SUMMARY**

This administrative regulation is adopted to establish the procedures the City of Yakima will follow to provide for the fullest assistance to requestors and the most timely possible action on requests while protecting public records from damage and preventing "excessive interference with other essential agency functions." RCW 42.56.100. This regulation supersedes prior versions of ADM 1500 and is subject to revision at any time.

**SCOPE AND APPLICABILITY**

This policy applies to all City employees and all City public records. City employees are required to comply with the policy and State laws regulating the retention and disclosure of public records. The City of Yakima Public Records Officer can assist with compliance with the policy and the laws regarding retention and release of public records.

**POLICY AND PROCEDURES**

**How to Request Records**

Any person wishing to request access to public records or seeking assistance in making such a request should direct their request to the Public Records Officer. The Public Records Officer is located at:

Public Records Officer  
City Clerks Office  
129 North 2nd Street  
Yakima, Washington 98901

Phone: (509) 575-6037  
Fax: (509) 576-6614  
Email: [publicrecords@ci.yakima.wa.us](mailto:publicrecords@ci.yakima.wa.us)

The City Clerk's office hours are 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. A variety of records are available on the City's website at [www.ci.yakima.wa.us](http://www.ci.yakima.wa.us). Requestors are encouraged to view records available on the website prior to submitting a records request.

Requestors who are only seeking records from individual Departments may contact those Departments directly at the following locations, Monday through Friday, excluding holidays:

Yakima Police Department  
Attn: Police Services Supervisor/Disclosure  
200 South Third Street  
Yakima, Washington 98901  
Phone number: (509) 575-6220  
Fax number: (509) 575-3032  
Office Hours: 8 a.m. to 9 p.m.

Yakima Fire Department  
Attn: Fire Secretary/Disclosure  
401 North Front Street  
Yakima, Washington 98901  
Phone number: (509) 575-6060  
Fax number: (509) 576-6356  
Office Hours: 8 a.m. to 5 p.m.

Public Safety Communications (911)  
Attn: Manager/Public Disclosure  
200 South Third Street  
Yakima, WA 98901  
Phone number: (509) 575-3536  
Fax number: (509) 576-6555  
Office Hours: 8 a.m. to 4:30 p.m.

Yakima Municipal Court files are not subject to the Public Records Act. Access to these records may be sought by contacting the Municipal Court directly.

### **Form of the Request**

Requests for records should be in writing. Requestors are encouraged to use forms prescribed by the City Clerk, which are available at the City Clerk's Office and on the City of Yakima's website.

Requests may be submitted in person, by mail, fax, or e-mail. E-mail will be considered received on the date the message is stamped "received", not on the date sent. Requestors seeking records from individual Departments should use the forms provided by those Departments. Requests should include the following information:

1. The name, mailing address, and daytime phone number of the person making the request;
2. The date of the request; and
3. The nature of the request, including an identification of the public records adequate for the City Clerk or designee to be able to locate the records.

## **Response to Requests**

The City will process requests in the order allowing the most requests to be processed in the most efficient manner. Within 5 business days of receiving a request, the City will either (1) provide the record; (2) acknowledge that it has received the request and provide a reasonable estimate of the time it will require to respond to the request; or (3) deny the request. (RCW 42.56.520) Additional time to respond may be based on the need to clarify the intent of the request, to locate and assemble the records, to notify third persons or agencies affected by the request and provide such persons with the opportunity to seek a court order preventing disclosure where appropriate, and/or to determine whether any of the information requested is exempt from disclosure. If a requestor fails to clarify an unclear request, the City will treat the request as having been withdrawn.

Requested records may be made available on a partial or installment basis. If an installment is not claimed, the City will not fulfill the balance of the request. (RCW 42.56.120)

All denials of requests for public records will be accompanied by a written statement specifying the reason(s) for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. (RCW 42.56.210(3))

This policy does not require the City to answer written questions, create new public records, or provide information in a format that is different from original public records.

## **Preservation of Public Records**

No member of the public may remove a public record from a viewing area or disassemble or alter any public record.

## **Mechanism for Review of Denial**

Any person who objects to the denial of a public records request may petition in writing to the Public Records Officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the Public Records Officer or designee denying the request. The Public Records Officer shall perform a review of the denial as promptly as possible. Pursuant to state law, the review shall be deemed concluded at the end of the second business day following the denial. (RCW 42.56.520)

## **Fees**

The fees for copies of public records are as stated in the attached Fee Schedule. Copying fees reflect the actual cost of providing photocopies or reproductions of requested records. When public records are mailed to a requestor, a charge for postage and the cost of the envelope or container used may be added if the envelope and postage charge is \$4.00 or more. No fee is charged for inspection of a public record or for locating a record. Fees may be waived due to the low number of copies made or other circumstances. When a change in the established cost schedule is required, the City Clerk, in consultation with appropriate Department(s), shall change the schedule by



filing a new Fee Schedule. Payment of fees is required prior to release of records unless other arrangements have been made.

### **Deposit**

The City may require a deposit of up to 10% of the estimated cost of copying records prior to copying any records for a requestor. The City may also require payment of the remainder of the cost before providing all of the records, or the payment of the costs of copying an installment before providing that installment. (RCW 42.56.120)

### **Organization of Public Records**

The City finds that maintaining an index as provided in RCW 42.56.070(3) for use by the public would be unduly burdensome and would interfere with agency operations given the high volume, various locations, and types of public records received, generated, and otherwise acquired by the City. (RCW 42.56.070(4)) Notwithstanding the foregoing, the City will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization.

### **Records and Information Exempt from Public Disclosure**

The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. RCW 42.56.230 through 42.56.480 contain a large number of exemptions from public inspection and copying. RCW 42.56.070(9) specifically prohibits the City from disclosing lists of individuals for commercial purposes. In addition, documents are exempt from disclosure if any “other statute” exempts or prohibits disclosure. RCW 42.56.070(1). Requestors should be aware of the following exemptions that restrict the availability of some documents held by the City. This list is not exclusive.

- |                  |   |
|------------------|---|
| RCW 42.56.230(2) | Personal information in files maintained for employees, appointees, or elected officials to the extent disclosure would violate their right to privacy.   |
| RCW 42.56.240(1) | Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person’s right to privacy.  |
| RCW 42.56.250(1) | Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.  |
| RCW 42.56.250(2) | All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.   |
| RCW 42.56.250(3) | Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employee or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records. |

RCW 42.56.250(5)	Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.
RCW 42.56.290	Preliminary drafts, notes, recommendations, and interagency memorandums in which opinions are expressed or policies formulated or recommended are exempt, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action.
RCW 42.56.070(1); RCW 5.60.060(2)(a); RCW 42.56.290; CR 26(b)(4)	Attorney-client privileged communications and attorney work product.
RCW 4.24.550	Information on sex offenders
RCW 5.60.060	Privileged communications
RCW 5.60.070	Court-ordered mediation records
RCW 42.56.600; RCW 7.07	Mediation communications under the Uniform Mediation Act
RCW 7.69A	Child victims and witnesses
RCW 9A.82.170	Financial institution records
RCW 10.27	Grand jury records/information
RCW 10.29	Special inquiry judges
RCW 10.52.100	Records identifying child victim of sexual assault
RCW 10.77.210	Records of persons committed for criminal insanity
RCW 10.97	Criminal Records Privacy Act
RCW 13.50	Juvenile records
RCW 13.60.020	Missing children information
RCW 18.04.405	Confidentiality of information gained by CPA
RCW 19.215	Disposal of personal information
RCW 26.26.041	Uniform Parentage Act
RCW 26.26.450	Confidentiality of genetic testing
RCW 26.33	Adoption records
RCW 26.44	Records of child abuse and neglect
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 40.14	Preservation and destruction of public records
RCW 42.23.070	Municipal officer disclosure of confidential information prohibited
RCW 46.52	Traffic records
RCW 48.62.101	Local government insurance transactions
RCW 50.13	Employment security records
RCW 51.28.070	Worker's compensation records
RCW 51.36.060	Physician information on injured workers
RCW 60.70.040	No duty to disclose record of common law lien
RCW 68.50.105	Autopsy reports
RCW 68.50.320	Dental identification records
RCW 42.56.360(2); RCW 70.02	Medical Records
RCW 70.05.170	Child mortality records

RCW 70.24	Public health records
RCW 70.48.100	Jail records and booking photos
RCW 70.96A.150	Alcohol and drug abuse treatment programs
RCW 71.05	Mental health records
RCW 71.34	Mental health treatment of minors
RCW 71A.14.070	Records regarding developmental disability
RCW 72.09.345	Notice to public about sex offenders
RCW 74.34.095	Abuse of vulnerable adults – investigations and reports
RCW 82.32.330	Disclosure of tax information
42 USC § 290dd-2	Confidentiality of Substance Abuse Records
42 USC; 405(c)(2)(vii)	Limits on Use and Disclosure of Social Security Number
42 CFR Part 2	Confidentiality of Alcohol and Drug Abuse Patient Records
45 CFR 160-164	Health Insurance Portability and Accountability Act (HIPAA)

## DEFINITIONS

Central and Field Offices – The City of Yakima’s central office is City Hall, located at 129 North Second Street in Yakima, Washington 98901. The City has field offices in various locations for Departments such as the Police Department, the Fire Department, the Department of Public Works, the Wastewater Division, and Municipal Court. More information regarding the City of Yakima and its field offices may be obtained through the City’s website, [www.ci.yakima.wa.us](http://www.ci.yakima.wa.us).

Public Records Officer – The City of Yakima has publicly identified a Public Records Officer whose responsibility is to serve as a point of contact for Public Records Act requests. The Public Records Officer oversees compliance with the Washington State Public Records Act.

Public Records – Public records are defined as “any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” (RCW 42.17.020(41)) “Writing” means “handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.” (RCW 42.17.020(48))

The definition of public records is broad for purposes of retention and disclosure to the public. It includes e-mail. E-mail messages sent or received by City employees must be retained according to the retention schedule applicable to the message. They may be releasable to the public and are subject to discovery proceedings in legal actions. E-mail messages sent or received in conjunction with government business may be accessed and monitored in the normal course of business by system administrators, supervisors, and support staff, in order to comply with the Public Records Act and other laws regarding the retention and disclosure of public records.

It is illegal in Washington to destroy a public record, including records created in an e-mail system, without a formal retention period being established for the record and without following records disposition procedures. Like other forms of records, and regardless of retention requirements, e-mails pertaining to judicial or public disclosure proceedings must not be destroyed until the issue is resolved. Retention of e-mail can be accomplished by printing the message to paper or recording it on a disk and filing it appropriately.

## **REFERENCE DOCUMENTS**

City of Yakima, website: [www.ci.yakima.wa.us](http://www.ci.yakima.wa.us)

Fee Schedule

Public Records Request Form

State of Washington, Definitions, RCW 42.17.020

State of Washington, Documents and Indexes to be Made Public, RCW 42.56.070

State of Washington, Charges for Copying, RCW 42.56.120

State of Washington, Certain Personal and Other Records Exempt, RCW 42.56.210

State of Washington, Prompt Responses Required, RCW 42.56.520

The following forms are related to this policy and are available from the Clerk's Department:

- Fee schedule
- Public Records Request Form

**ADMINISTRATIVE POLICIES**

**REISSUED POLICY NUMBER: 1-1500**  
**FORMER POLICY NUMBER: ADM 500**



**DEPARTMENT:** Administration

**AUTHORIZED BY:** City Manager

**EFFECTIVE DATE:** 08/1988  
**SUPERSEDES:**

**REISSUE DATE:** 11/01/2012

***POLICY: RECEIVING GIFTS AND DISCOUNTS***

**PURPOSE**

For public officials who hold offices of public trust, the acceptance of gifts and favors can have severe ethical implications. The purpose of this policy is to reduce the possibility of a “conflict of interest” and impropriety charges.

**SCOPE AND APPLICABILITY**

This policy applies to all City employees.

**POLICY AND PROCEDURES**

The City has a long standing policy on receiving gifts; and on officers or employees deriving any benefit, profit or advantage other than his or her lawful compensation or salary as an officer or employee.

No officer or employee of the City shall solicit or receive any pay, commission, money or thing of value, or derive any benefit, profit or advantage, directly or indirectly from or by any improvement, alteration or repair, or purchase of materials required by the City, or any contract to which the City shall be a party, except his/her lawful compensation or salary as such officer or employee. A violation of any of the provisions of this section shall disqualify the offender to continue in office or employment and he/she shall be forthwith removed therefrom. (Yakima Municipal Code -- Article VI: Section 5)

- An example of an indirect benefit is if an employees spouse is employed by a vendor that the City contracts with and the spouse's compensation is affected by the monies received from the City for services performed.

**REFERENCE DOCUMENTS AND PROCEDURES**

Yakima Municipal Code, Article VI: Section 5

**ADMINISTRATIVE POLICIES**

**REISSUED POLICY NUMBER: 1-1600**  
**FORMER POLICY NUMBER: PER 2200**



**DEPARTMENT:** Human Resources

**AUTHORIZED BY:** City Manager / HR Manager

**EFFECTIVE DATE:** 03/29/1992

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:**

***POLICY: SICK LEAVE POOL***

**PURPOSE**

The purpose of this policy is to provide sick leave hours for persons who might exhaust other sick leave as a result of a catastrophic illness or accident.

**SCOPE AND APPLICABILITY**

This policy applies to all employees eligible for use of the sick leave pool.

**POLICY SUMMARY**

The sick leave pool allows for donation of paid leave hours from existing leave balances above mandatory limits for employees. City of Yakima employees are willing to donate portions of their accrued paid leave (vacation and sick leave, personal "floating" holiday, compensatory time) to co-workers with extended illnesses who have exhausted their own paid leave balances. Approval for use of leave from the pool is by a recommendation to the City Manager from the AFSCME Executive Board for AFSCME employees, and from a Management Committee appointed by the City Manager for Management, Supervisory and Union Exempt employees. Final authority for leave pool use resides with the City Manager.

**POLICY AND PROCEDURES**

The following ordinance provides for two shared leave pool arrangements for AFSCME, Management, Supervisory and Exempt employees. This ordinance specifies the policy and procedures for use of the sick leave pool.

**Ordinance No. 3437**

An Ordinance relating to personnel and leaves of absence, providing two systems for the transfer of accrued leave, for exempt classification employees and for American Federation of State, County, and Municipal Employees (AFSCME) represented employees; and enacting Sections 2.40.110 and 2.40.120 as new sections of the City of Yakima Municipal Code.

WHEREAS, the City provides various types of leave to its management employees subject to payment upon termination; and

WHEREAS, the collective bargaining process involving American Federation of State, County, and Municipal Employees (AFSCME) member employees has resulted in an agreement to provide a sick leave transfer program; and

WHEREAS, the City Council finds it appropriate and in the public interest to permit the above-described employees to share vacation, sick leave, compensatory time, and floating holidays in carefully defined circumstances and to transfer such leave to and for the benefit of such employees who, without such transfers, would be forced to terminate their employment or go without pay; and

WHEREAS, the within AFSCME sick leave pool provisions have been the subject of notice to and agreement with Local 1122 of the Washington State Council of County and City Employees, American Federation of State, County, and Municipal Employees, AFL-CIO, in accordance with Article III, Section B of the collective bargaining agreement effective pursuant to RCW 41.56.123; now, therefore,

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Section 2.40.110 is hereby enacted as a new section of the City of Yakima Municipal Code to read as follows:

“2.40.110 Shared Leave - Management Employees.

- A. The City Manager or his designee, in his or her discretion, may grant to a management employee as defined in Subsection 2.04.030D of this Code, shared leave from another employee provided the following are met:
1. The employee suffers, or has an immediate family member suffering from, an illness, injury, impairment, or physical or mental condition such that the employee's use of sick leave is permissible pursuant to Section 2.40.030B.
  2. The employee has completed a six (6) month probationary period.
  3. The employee has depleted or will shortly deplete his or her total available paid leave. Paid leave is defined as vacation leave, sick leave, accrued compensatory time or personal holidays. Shared leave shall mean paid leave transferred to an employee pursuant to this section.
  4. Prior to the use of shared leave, the employee has abided by the provisions of Section 2.40.030B.
  5. Where applicable, the employee has diligently pursued and is found to be ineligible for Washington State industrial insurance benefits.
  6. The employee has begun the third full day of unpaid leave for the current injury or illness.

7. Shared leave is available pursuant to Subsection B to be donated to the employee.
- B. An employee may donate his or her accrued paid leave hours by submitting a time card specifying the type and amount of hours to be donated to the management extended sick leave pool, provided that the donated hours do not cause the donor employee's total available leave balances to decrease by more than ten percent (10%). Such time cards must be received by the division/department timekeeper no later than the fifth day of the first month of any quarter of the year. In case of emergency and upon request of the Management Group Pool Review Panel, the pool will be reopened by the City for donations prior to quarterly deadlines or at the City Manager's discretion.
- C. While an employee is using shared leave, he or she will continue to be classified as a City employee and shall receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using sick leave.
- D. Paid leave shall be transferred on a dollar-value basis. The value of shared leave shall be the dollar value of the paid leave at the time it is recorded as available for use as shared leave. Once shared leave has been transferred to an employee, it shall be transformed into sick leave and so credited to the employee's sick leave accrual. The dollar value of the pool will be increased by the City by the same percentage or dollar-per-hour figure as any wage increase effective for management members.
- E. The Personnel Officer shall be responsible for monitoring shared leave and shall also be responsible for initiating the proper paperwork to the Payroll Office to adjust the accrued leave balances to the recipient from the pool. Records of all transactions from the pool to the recipient will be maintained by the Payroll Office with a copy of each transaction also maintained in the Human Resources Office. A recipient shall also have a record of hours received from the pool placed in his or her personnel file.
- F. Management employees shall submit applications to the Personnel Officer for hours from the management extended sick leave pool in the following manner:
  1. Indicate the desired hours, in one-hour increments on a form received from the Management Group Pool Review Panel.
  2. Submit a physician's statement indicating the nature of the illness, injury, impairment, or medical/mental condition, the prognosis for recovery, and the expected duration of the absence. All such information is confidential.
  3. All requests processed by the Payroll Office by the fifteenth of a month shall be effective for that month.
- G. The City Manager shall appoint a Management Group Pool Review Panel, composed of no fewer than four individuals, holding positions described in Subsection 2.04.030D of this Code. The Management Group Pool Review Panel shall recommend whether or not to approve a request for leave from the management extended sick leave pool, according to the following factors:



1. The nature of the extended illness, injury, impairment, or medical/mental condition of the requesting employee.
  2. Any history of excessive or abusive use of sick leave by the requesting employee.
- H. The Management Group Pool Review Panel shall make reasonable efforts to determine that an employee granted shared leave uses such leave in accordance with Section 2.40.030. Use of shared leave contrary to Section 2.40.030 shall result in cancellation of the shared leave, the balance of which will be transferred to the management extended sick leave pool. The Personnel Officer shall so notify the involved employee and the Director of Finance and Budget.
- I. Nothing herein shall be construed as creating a right to shared leave or to a certain quantity of shared leave.
- J. Hours awarded from the pool shall be on a first-come-first-served basis.”

Section 2. Section 2.40.120 is hereby enacted as a new section of the City of Yakima Municipal Code to read as follows:

“2.40.120 Shared Leave - AFSCME Employees.

- A. The City Manager or his designee, in his or her discretion, may grant to a permanent full-time or part-time employee who is a member of Local 1122, American Federation of State, County, and Municipal Employees (AFSCME), or, with the agreement of AFSCME Local 1122 Executive Board, to a City employee who is a member of another union and who is not eligible for disability benefits under state law, shared leave from any other employee provided the following are met:
1. The employee suffers from an illness, injury, impairment, or physical or mental condition such that the employee’s use of sick leave is permissible pursuant to Section 2.40.030B.
  2. The employee has completed a six (6) month probationary period.
  3. The employee has depleted or will shortly deplete his or her total available paid leave. Paid leave is defined as vacation leave, sick leave, accrued compensatory time or personal holidays. Shared leave shall mean paid leave transferred to an employee pursuant to this section.
  4. Prior to the use of shared leave, the employee has abided by the provisions of Section 2.40.030B.
  5. Where applicable, the employee has diligently pursued and is found to be ineligible for Washington State industrial insurance benefits.

6. The employee has begun the third full day of unpaid leave for the current injury or illness.
  7. Shared leave is available pursuant to Subsection B to be donated to the employee.
- B. An employee may donate his or her accrued paid leave hours by submitting a time card specifying the type and amount of hours to be donated to the AFSCME extended sick leave pool, provided that the donated hours do not cause the donor employee's sick leave balance to be less than 347 hours, unless otherwise approved by the Local 1122 Executive Board. The minimum number of hours to be donated at any one time is eight (8) hours. Such time cards must be received by the division/department timekeeper no later than the fifth day of the first month in any quarter of the year. In case of emergency and upon request of the Local 1122 Executive Board, the pool will be reopened by the City for donations prior to quarterly deadlines.
- Paid leave shall be transferred on a dollar-value basis. The value of shared leave shall be the dollar value of the paid leave at the time it is recorded as available for use as shared leave. Once shared leave has been transferred to an employee, it shall be transformed into sick leave and so credited to the employee's sick leave accrual. The dollar value of the pool will be increased by the City by the same percentage or dollar-per-hour figure as any wage increase effective for Local 1122 members.
- C. Union-member employees shall apply to Local 1122 Executive Board for hours from the AFSCME extended sick leave pool in the following manner:
1. Indicate the desired hours, in one-hour increments on a form received from the Local 1122 office.
  2. Submit a physician's statement indicating the nature of the illness, injury, impairment, or medical/mental condition, the prognosis for recovery, and the expected duration of the absence. All such information is confidential.
  3. All requests processed by the Payroll Office by the fifteenth of a month shall be effective for that month.
- D. Local 1122 Executive Board shall recommend whether or not to approve a request for leave from the AFSCME extended sick leave pool, according to the following factors:
1. The nature of the extended illness, injury, impairment, or medical/mental condition of the requesting employee.
  2. Any history of excessive or abusive use of sick leave by the requesting employee.
- E. Local 1122 Executive Board shall make reasonable efforts to determine that an employee granted shared leave uses such leave in accordance with Section 2.40.030. Use of shared leave contrary to Section 2.40.030 shall result in

cancellation of the shared leave, the balance of which will be transferred to the AFSCME extended sick leave pool. Local 1122 Executive Board shall so notify the involved employee and the Director of Finance and Budget.

- F. Hours awarded from the pool shall be on a first-come-first-served basis.
- G. Local 1122 Executive Board will send correspondence for award of sick leave hours to the City of Yakima Human Resources Department, with a copy to the Payroll Officer. Local 1122 Executive Board and the City will notify each requesting employee of the final decision on award of hours.

The Personnel Officer shall be responsible for monitoring shared leave and shall also be responsible for initiating the proper paperwork to the Payroll Office to adjust the accrued leave balances to the recipient from the pool. Records of all transactions from the pool to the recipient will be maintained by the Payroll Office with a copy of each transaction also maintained in the Human Resources Office. Recipients shall also have a record of his/her hours received from the pool placed in their personnel file."

Section 3. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 25th day of February, 1992.

**The foregoing ordinance was signed by: Patricia A. Berndt, Mayor,  
Attested By: Karen S, Roberts, City Clerk, and became effective 3/29/1992.**

#### **REFERENCE DOCUMENTS**

The following document is related to this policy and may be obtained from the Human Resources Department:

- Sick Leave Transfer Request

**ADMINISTRATIVE POLICIES**

**REISSUED POLICY NUMBER: 1-1700**  
**FORMER POLICY NUMBER: ADM 700**



**DEPARTMENT:** Administration

**AUTHORIZED BY:** City Manager

**EFFECTIVE DATE:** 11/18/2011

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:** 10/23/1987

***POLICY: SMOKING***

**PURPOSE**

The purpose of this policy is to comply with the provisions and restrictions of Initiative Measure No. 901 which is codified in Chapter 70.160 of the Revised Code of Washington.

**SCOPE AND APPLICABILITY**

This policy applies to all employees while on property owned or leased by the City.

**POLICY AND PROCEDURES**

Employees and members of the public will not be permitted to smoke in any City-owned or leased building or facility. Smoking is also prohibited in all City-owned or leased vehicles. This includes the entire City fleet.

Smoking is prohibited outdoors if within twenty-five feet from the entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited.



**DEPARTMENT:** Human Resources

**AUTHORIZED BY:** City Manager / HR Manager

**EFFECTIVE DATE:** 12/14/2010

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:** 04/17/2009

---

***POLICY: SUBSTANCE ABUSE***

**PURPOSE**

The purpose of this policy is to ensure the health, welfare, and safety of City employees, and the citizens whom they serve, and to comply with said federal mandates regarding drugs and alcohol in the workplace.

**POLICY SUMMARY**

Part I of this policy, which applies to all City employees, specifies objectives, education, detection, rehabilitation, testing protocol, prohibited acts, treatment and discipline related to drug and alcohol use in the workplace.

Part II of this policy, which applies to employees in special positions, specifies prohibited alcohol-related and controlled-substance activities, testing (pre-employment, random, reasonable suspicion, post-accident, return-to-duty, follow-up), dilute samples, rehabilitation and counseling, prescription drug use, employee rights and responsibilities, discipline, collection and testing procedures, retention of records and confidentiality, and education related drug and alcohol use in the workplace.

**SCOPE AND APPLICABILITY**

Part I of this policy applies to all permanent and temporary employees of the City of Yakima, except those employees covered under Part II. It is a condition of employment that all employees abide by the terms of this policy.

Part II applies to every City employee whose position requires the possession of a commercial driver's license (CDL); every City employee performing a "safety-sensitive function" as defined herein, and any person applying for such positions. Drug and Alcohol tests shall be administered in accordance with 49CFR Part 655.49(a). A list of these covered positions is provided on Appendix A. This list may be revised and supplemented as necessary.

## **POLICY AND PROCEDURES**

### **Introduction**

The City of Yakima recognizes that employees are its most important resource and that their well-being is vital. Unfortunately, drug and alcohol abuse has become a major barrier to a healthy, safe and efficient work environment. It shows up in higher accident rates, higher workers' compensation costs, greater absenteeism, and increased health insurance costs.

In an effort to overcome drug and alcohol abuse and the corresponding problems, the federal government enacted the Drug Free Workplace Act of 1988; and on February 15, 1994, the United States Department of Transportation (DOT), acting through the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), promulgated new drug and alcohol testing regulations. These regulations were published as 49 CFR Part 653, Prevention of Prohibited Drug Use In Transit Operations, and 49 CFR Part 654, Prevention of Alcohol Misuse in Transit Operations. These regulations were updated on August 1, 2001, and consolidated into one regulation: The new regulation, 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations.

In addition, the Department of Transportation (DOT) issued 49 CFR Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs, on December 1, 1989, which prescribed testing methods. The revised 49 CFR Part 40 was published on December 19, 2000, with an effective date of August 1, 2001.

## **PART I -- DRUG AND ALCOHOL ABUSE POLICY**

### **Objectives**

It is the policy of the City of Yakima to provide a drug and alcohol free work place for its employees.

The City's philosophy on drug and alcohol abuse is to emphasize training and rehabilitation. Counseling and support will be made available through an Employee Assistance Program, and the employees' right to privacy will be respected at all times.

The following sections provide guidelines for employees and supervisors for the detection and deterrence of drug and alcohol abuse in the work place. Detection of substance abuse is provided through pre-employment screening, supervisor and co-worker education, and, where reasonable cause exists, verified testing of current employees. The standards by which such tests will be conducted are set out. Acts which constitute a violation of Policy Part I are defined, and the consequences for violation are established.

### **Education**

The City of Yakima recognizes the need to provide education and training in the areas of drug and alcohol abuse and the major factors which contribute to it. All employees will receive an initial introductory 4 hour session regarding substance abuse in the

workplace. Thereafter, all employees will receive an annual 120 minutes of training on the effects and consequences of drugs and alcohol in regard to personal health, safety, and the work environment, and on the signs and symptoms that indicate controlled drug and alcohol abuse.

Supervisors who may make reasonable suspicion determinations will receive an additional annual 60 minutes of training on alcohol misuse and another annual 60 minutes on substance abuse annually. The supervisor training will cover the physical, behavioral, and performance indicators of probable alcohol misuse and controlled substance use.

The City also recognizes that drug and alcohol abuse can be successfully treated, enabling an employee to return to satisfactory job performance. Employees who are concerned about their own drug and alcohol abuse are encouraged to voluntarily seek assistance through the City Employee Assistance Program. All such voluntary requests for assistance will remain confidential.

An employee who has not received substance drug and alcohol abuse awareness training shall not be subject to disciplinary action under this Policy Part I.

### **Employee Rights and Responsibilities**

The City shall not require an employee to undergo a drug screening test unless there is reasonable cause to believe the employee is under the influence of a substance which impairs job performance or which causes the employee to pose a hazard to the safety of the employee, the public, or other employees. Nothing in Policy Part I is intended to require random testing of employees.

Any voluntary request by an employee for assistance with his or her own drug and alcohol abuse problem will remain confidential and shall not be used as the basis for any disciplinary action, provided that the request for assistance is initiated prior to a drug and alcohol abuse related on-the-job incident.

Each employee using medically authorized drugs or substances which can impair job performance shall report this fact to his/her supervisor prior to beginning duty, and shall provide proper written medical authorization to work. It is the employee's responsibility to determine from the physician whether or not the prescribed drug would impair his/her job performance.

In accordance with the Drug Free Work Place Act of 1988, as amended an employee who is convicted of any criminal drug statute for a violation occurring in the work place shall notify the Human Resource Manager no later than five days after such conviction. Each employee who observes or has knowledge of another employee in a condition which impairs his/her ability to perform job duties or poses a hazard to the safety and welfare of others shall promptly report the incident to his/her immediate supervisor. An employee who is the subject of a drug and alcohol abuse investigation, or who requests or is required to submit to a Substance Abuse Examination in accordance with this Policy Part I, shall be entitled to have a Union Representative or other observer of his/her own choosing present during the investigation, provided that such request for an observer does not cause an unreasonable delay.

## **Detection**

*Pre-employment examination.* Prospective employees of the City of Yakima shall undergo a drug screening test prior to employment. A confirmed positive test for controlled substances, or refusal to take the examination, will result in disqualification for employment for a period of six months.

*Examination for reasonable cause.* An employee may be required to undergo a Drug and Alcohol Abuse Examination when reasonable cause exists to believe the employee is under the influence of a controlled substance and the steps outlined in the Supervisors Checklist for Drug and Alcohol Abuse are followed. The decision to conduct a Substance Drug and Alcohol Abuse Examination shall be made only by the supervisor's department head or the department head's management level designee.

*Searches of City-owned property.* The City reserves the right to search, without employee consent, all City-owned property, and any property or area jointly or fully controlled by the City when reasonable cause exists to believe the search will reveal evidence of violation of this Policy Part I.

## **Rehabilitation**

The City recognizes the value of trained, experienced employees, and, to the extent it deems treatment and rehabilitation are effective, it will pursue those avenues prior to resorting to disciplinary measures.

Any counseling required or agreed to under Policy Part I shall be at City expense. Further, appointments with the EAP may be scheduled on City time with prior approval of the employee's supervisor, for up to three (3) visits per year. The EAP counselor may contact the department head for authorization for additional time off. Sick leave or other accrued time shall be used for time spent beyond the above limit for the purpose of extended counseling or treatment. If the employee requests that the purpose of the leave not be disclosed to his/her immediate supervisor, the department head shall maintain confidentiality regarding the reason for the leave.

The cost of counseling through the EAP shall be borne by the City. The cost of treatment/rehabilitation shall be covered to the extent possible by existing labor contracts and the applicable health benefit plan.

## **Testing Protocol**

All drug and alcohol abuse examinations required under Policy Part I shall be administered at a facility designated by the City.

The employee shall provide samples of breath and urine to test for the presence of alcohol and/or drugs, and shall sign an authorization to release the results of those tests to the City Human Resource Manager; provided, however, that a blood alcohol test may be used instead of a breath test when an employee is unable to provide a sufficient amount of breath or a breath alcohol technician is not readily available.



Whenever the City of Yakima requires a blood and urine sample, it shall be administered in accordance with the following procedure.

1. The blood is drawn by a medical technologist. The urine sample is produced by the employee alone in a restroom. The medical technologist examines the restroom before and after to ensure that no other samples were present and that no substances were available for tampering. Each sample shall be subjected to a laboratory testing protocol to detect tampering.
2. The medical technologist takes the samples, seals them, labels them with the employee's identification, and signs a document which begins a formal chain-of-possession procedure. Each person who handles the samples, including the person who performs the tests, must sign this document. When not being handled, the samples are stored in a locked refrigerator. The purpose of this procedure is to insure that samples do not get switched during testing.
3. The laboratory test is conducted in two steps. The first is a general screen test for the major drugs of abuse and alcohol using the EMIT or comparable test. If any positive result is obtained, a second test is performed using a gas chromatograph/mass spectrometer (GC/MS) which provides molecular identification of the substances found in the sample. If alcohol is detected in the urine, the blood sample will be used for confirmation and to determine an accurate Blood Alcohol Level.

Examination results will be delivered only to the City Human Resource Manager who shall notify the employee's department head. The results may be made known to other management level City personnel who are required to know for the purpose of determining appropriate discipline or counseling, but otherwise shall be kept confidential. Provided the Human Resources Division has the employee's current address and telephone number, the employee will be notified immediately when the results are received.

Whenever an examination is required under Policy Part I, the supervisor accompanying the employee shall advise the employee that he/she has the right to request that additional samples of urine and/or blood be collected at his/her own expense. The employee may make separate arrangements with the City's testing facility or another laboratory chosen and paid by the employee, for storing or testing these additional samples, but the employee will not have the right to handle samples after the original donation.

### **Prohibited Acts**

- Reporting for work while under the influence of drugs or alcohol, or any substance which impairs an employee's mental or physical capacity is prohibited.
- The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the work place, is prohibited.
- Refusal to submit to or willful interference with any Substance Drug and Alcohol Abuse Examination required in accordance with Policy Part I is prohibited.

- Failure to notify the department head within five days of conviction of a criminal drug statute violated in the work place is prohibited.
- Failure to attend and cooperate in counseling when required in accordance with Policy Part I is prohibited.

### **Treatment/Discipline**

In all cases of suspected drug and alcohol abuse in the work place, the supervisor's Substance Abuse Incident Report shall be forwarded to the employee's department head for further action. An employee suspected of drug and alcohol abuse shall be relieved of duty, with pay, following any required examination, and shall be required to notify the office of his/her department head of his/her whereabouts at all times for the duration of the investigation. The Human Resources Manager and the department head will determine the course of treatment or discipline as provided below.

Disciplinary action resulting from enforcement of Policy Part I shall be in accordance with applicable bargaining agreements, City Administrative Code, and Civil Service Rules. All established grievance procedures shall apply.

The emphasis of Policy Part I is training and rehabilitation. Disciplinary action for job misconduct in violation of this Policy Part I will be imposed up to and including termination when an employee does not make use of an approved treatment opportunity and the City finds discipline to be an appropriate response to the misconduct. An employee who has had treatment through the EAP and who subsequently commits misconduct in violation of this Policy Part I may or may not be offered another opportunity for treatment in place of discipline, depending on the seriousness of the job misconduct and the lapse of time since last in treatment through the EAP.

As required by the Federal Drug Free Work Place Act of 1988, (Pub. L. 100-690, Title V, Subtitle D), within 30 days of the City's receiving notice that an employee has been convicted of violating a criminal drug statute in the work place, the City will either take appropriate personnel action up to and including termination or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved by a federal, state, or local health, law enforcement, or other appropriate agency.

### **Savings Clause**

It is understood that all provisions of Policy Part I are subject to applicable Federal, State, and Local laws, and if any provision of any section of this agreement is held or found to be in conflict therewith, said provision shall be void. However, such invalidity shall not affect the remaining sections of this Policy Part I.

## **PART II -- DRUG AND ALCOHOL ABUSE POLICY**

### **Prohibited Alcohol-Related Activities**

- No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

- No employee shall be permitted to work following an alcohol test result indicating a concentration of 0.02 or greater but less than 0.04 until the employee's alcohol concentration measures less than 0.02, and the start of the employee's next regularly scheduled shift (but not less than eight (8) hours following the administration of the test).
- No employee shall use or possess alcohol during work.
- No employee shall perform safety-sensitive functions within four (4) hours after using alcohol.
- No employee required to take a post-accident alcohol test hereunder shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- No employee shall refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol testing.
- A supervisor having actual knowledge of on-duty alcohol use or pre-duty use within the four (4) hours prohibited time period by an employee cannot permit that employee to continue/perform safety-sensitive functions.
- No employee who is "on-call" shall use alcohol during the specified on-call hours. The supervisor shall provide the employee an opportunity to acknowledge the use of alcohol at the time he/she is called to report for duty and the inability to drive and/or perform safety-sensitive functions. The employee will be required to take an alcohol test if he/she acknowledges the use of alcohol at the time he/she reports for duty, but claims the ability to drive and/or perform his/her safety-sensitive functions.

#### **Prohibited Controlled Substances-Activities**

- No employee shall report for duty or remain on duty while under the influence of any controlled substance that could impair work performance.
- No employee shall report for duty, remain on duty, and/or perform a safety-sensitive function if the employee tests positive for controlled substances.
- No employee shall refuse to submit to controlled substances testing.
- No employee shall illegally manufacture, distribute, dispense, possess, or use any controlled substance in the work place.

#### **Pre-Employment Testing**

All prospective employees who have been given a conditional offer of employment with the City for a position covered herein and current employees transferring from a non-CDL or non-safety sensitive position to a position covered herein must undergo and pass a controlled substances and alcohol test. Receipt of satisfactory test results is required prior to employment in or transfer to a employment position covered herein.

Prospective or transferring employees who refuse to take the controlled substances and alcohol test or who test positive for one or more of the controlled substances shall be considered ineligible for City employment positions covered herein for six months. In accordance with 49 CFR Part 40, Section 655.41(a) (2), when a covered employee or applicant has previously failed or refused a pre-employment drug test and administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in Section 655.62. Pre-employment controlled substances testing is not to be limited to the controlled substances definition contained in this Policy Part II, and may include testing for other controlled substances such as depressants and hallucinogens.

## **Random Testing**

Employees covered hereunder are subject to random alcohol and controlled substances testing in accordance with the following:

- At least 25% of the average number of covered employees shall undergo random alcohol testing in each calendar year, or a sufficient number of employees equal to an annual rate not less than the minimum annual percentage determined by the DOT, FHWA, or FTA.
- At least 50% of the average number of covered employees shall undergo random controlled substances testing in each calendar year, or a sufficient number of employees equal to an annual rate not less than the minimum percentage determined by the DOT, FHWA, or FTA.
- An employee shall be subject to random alcohol testing while the employee is performing safety sensitive functions; just before the employee is performing safety-sensitive functions; or just after he employee has ceased performing safety-sensitive functions.
- When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of reason, and the employee has not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result. (49 CFR, Section 655.41 (d)).
- The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.
- Random alcohol and controlled substances tests shall be unannounced and the dates for administering such random tests shall be spread reasonably throughout the calendar year.
- Employees who are notified of selection for random alcohol or controlled substances testing shall proceed to the test site immediately; provided, however,

that if the employee is performing a safety-sensitive function at the time of notification, the employee shall cease to perform the safety-sensitive function and proceed to the test site as soon as possible.

### **Reasonable Suspicion Testing**

Employees covered hereunder are subject to reasonable suspicion alcohol and controlled substances testing in accordance with the following:

- Under FTA authority, Safety-Sensitive employees are subject to a fitness for duty evaluation, including a drug or alcohol test, when there is a reason to suspect they are under the influence of any of the prohibited drugs or alcohol immediately prior, during, or immediately after performing job duties or while on the property.
- An employee shall submit to alcohol and/or controlled substance test whenever a supervisor or manager has reasonable suspicion to believe that the employee is under the influence or impaired by alcohol and/or a controlled substance. The employee shall be removed from duty immediately in order to undergo said testing.
- A supervisor's or manager's determination that reasonable suspicion exists for alcohol and/or controlled substances use shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, and/or body odors of the suspected employee. The required observations must be made by a supervisor or manager who is trained in the detecting the symptoms of alcohol misuse and the signs and symptoms of drug use. The supervisor shall make a signed written record of his/her observations within 24 hours of the observed behavior or before the test results are released, whichever is earlier.
- An employee is only subject to reasonable suspicion alcohol testing only if the required observations are made during, just preceding, or just after the period of the work day that the employee is required to be in compliance with this policy.
- An employee shall only be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.
- No employee shall be subject to reasonable suspicion alcohol testing later than eight (8) hours following the determination that reasonable suspicion exists to require the employee to undergo such test.
- Reasonable suspicion controlled substances testing is not limited to the controlled substances definition contained in this Policy Part II, and may include testing for other controlled substances such as depressants and hallucinogens.
- The supervisor or manager who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the employee.

- The direct supervisor of an employee shall not serve as the collection site person for a reasonable suspicion controlled substances test of an employee.

### **Post-Accident Testing**

Procedures: The FTA criteria for a covered accident after which drug and alcohol testing must be conducted, is as follows: Accident means an occurrence associated with the operation of a vehicle, if as a result: (1) an individual dies; or (2) an individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; (3) with respect to an occurrence in which

the mass transit vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or (4) which respect to an occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus, or vessel, the mass transit vehicle is removed from operation. Employees covered hereunder are subject to post-accident alcohol and controlled substances testing in accordance with the following:

- Fatal Accidents – As soon as practicable following an accident involving the loss of human life, and regardless of fault, each surviving employee performing safety-sensitive functions in the subject vehicle at the time of the accident, and any other covered employee whose performance could have contributed to the accident, shall be tested for alcohol and controlled substances.
- Non-Fatal Accidents – As soon as practicable following an accident not involving the loss of human life, each employee performing safety-sensitive functions in the subject vehicle at the time of the accident who received a citation under state or local law for a moving traffic violation arising from the accident, and any other covered employee whose performance could have contributed to the accident, shall be tested for alcohol and controlled substances.
- If a post-accident alcohol test is not administered within two (2) hours following an accident, the supervisor of the employee shall prepare and maintain on file a record stating the reasons the test was not properly administered. If a said test is not administered within eight hours (8) after the accident, the supervisor shall cease attempts to have the alcohol test administered and prepare and maintain on file a record stating the reasons the test was not done within said eight (8) hours.
- If a post-accident controlled substances test is not administered within 32 hours of the accident, the supervisor shall cease attempts to have the controlled substances test administered and prepare and maintain on file a record stating the reasons the test was not done within said 32 hours.
- An employee subject to post-accident testing shall remain readily available for such testing, including notifying his/her supervisor of his/her location if he/she leaves the accident scene. An employee who fails to do so shall be deemed to have refused to submit to testing. Nothing herein shall be construed to require the delay of necessary medical attention for the injured or to prohibit an

employee from leaving the accident scene for the time period required to obtain emergency assistance.

### **Return-to-Duty Testing**

An employee who has engaged in and/or violated the alcohol and/or controlled substances prohibitions shall not be allowed to return to duty requiring performance of a safety-sensitive function until that employee has complied with the following:

- If the employee has violated the alcohol prohibitions, he/she shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02, and the employee shall provide a true copy of the re-test results to his/her supervisor;
- If the employee has violated the controlled substances prohibitions, he/she shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use, and the employee shall provide a true copy of the test results to his/her supervisor;
- The employee has been evaluated by an SAP who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substances use;
- The employee has complied and remains in compliance with any and all SAP prescribed/recommended rehabilitation and/or treatment programs;
- The employee may request paid or unpaid administrative leave, or use any available accumulated leave in order to participate in an SAP evaluation and to comply with prescribed/recommended rehabilitation and/or treatment programs.

### **Follow-Up Testing**

Upon completion of a SAP prescribed/recommended rehabilitation and/or treatment program and successful return to work, an employee will be subject to follow-up testing for alcohol and/or controlled substances. An employee shall be subject to follow-up alcohol testing only when the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing safety-sensitive functions. The SAP shall determine the frequency and duration of the follow-up testing, but such shall consist of at least six (6) unannounced tests in the first twelve months (12) months following the employee's return to duty. After that period of time, the SAP may recommend additional follow-up testing or termination of follow-up testing. Follow-up testing shall not go beyond sixty (60) months after the employee return to duty.

### **Dilute Samples**

Under the City of Yakima policy and authority, any employee providing a urine specimen that is determined to be dilute will be required to provide another urine specimen as soon as City of Yakima receives notice of the test results. Such recollections must not be collected under direct observation, unless there is another basis for use of direct observation. The re-testing policy shall pertain to pre-employment/pre-transfer, random,

reasonable suspicion, post-accident and return to duty testing. A second dilute sample in pre-employment testing can result in denial of employment.

### **Rehabilitation and Counseling**

The City offers employees the use of counseling and rehabilitative services pursuant to coverage limitations and in accordance with the terms of its benefit programs. Employees are personally responsible for seeking treatment for alcohol and/or controlled substance dependency. Any voluntary request by an employee for assistance with his/her own alcohol and/or controlled substance dependency will remain confidential and shall not be used as a basis for disciplinary action, provided the request is initiated prior to an alcohol and/or controlled substance dependency related on-the-job incident, or a positive alcohol and/or controlled substance test.

The cost of counseling services through the Employee Assistance Program ("EAP") shall be borne by the City. Appointments with the EAP may be scheduled on City time with prior approval of the employee's supervisor, for up to three (3) visits per year. The EAP counselor may contact the department head for authorization for additional time off.<sup>v 11</sup> The employee may request additional paid or unpaid administrative leave, or use any available accumulated leave in order to participate in extended counseling and/or rehabilitation. If the employee requests that the purpose of the leave not be disclosed to his/her immediate supervisor, the department head shall maintain confidentiality regarding the reason for the leave.

### **Prescription Drug Use**

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. It is, however, the employee's responsibility to inform the physician of the employee's job duties and determine from the physician, or other health care professional, whether or not the prescribed drug may impair their job performance or mental or motor function. It is the responsibility of the employees to remove themselves from service if they are experiencing any adverse effects from medication.

Employees are required to report the use of medically authorized drugs or other substances which can impair job performance to his/her supervisor and provide property written medical authorization to work from a physician. The employee is not required to disclose to his/her supervisor the specific medication or condition which necessitates the medication.

Failure to report the use of such drugs, or failure to provide property evidence of medical authorization may result in disciplinary action.

### **Additional Employee Rights and Responsibilities**

- An employee or applicant who wishes to challenge a positive controlled test must do so within 72 hours of notification of the positive result. The employee or applicant must notify the MRO that he/she wishes to challenge the test result. The re-test must be processed at a Department of Health and Human Services-certified laboratory. The employee will be solely responsible for costs necessary for the re-test.



- An employee required hereunder to undergo random, reasonable suspicion, or post-accident alcohol and/or controlled substance testing shall be put on paid administrative leave for the time period necessary for conducting said testing. If the results of said testing are positive, the employee may request additional paid or unpaid administrative leave, or use any available accumulated leave in order to participate in an SAP evaluation and to comply with any corresponding SAP prescribed/recommended rehabilitation and/or treatment programs.
- Any voluntary request by an employee for assistance with his/her own substance abuse problem will remain confidential and shall not be used as a basis for disciplinary action, provided that the request for assistance is initiated prior to a substance abuse related on-the-job incident, or an alcohol or controlled substances test that concludes in a positive result.
- In accordance with the Drug Free Work Place Act of 1988, an employee who is convicted of any criminal drug statute for a violation occurring in the work place shall notify the City Personnel Office no later than five days after such conviction.
- Each employee who observes or has knowledge of another employee in a condition which impairs his/her ability to perform job duties or poses a hazard to the safety and welfare of others shall promptly report the incident to his/her immediate supervisor. To the degree possible, the reporting employee's identity will be kept confidential.
- The City reserves the right to search, without employee consent, all City owned property, and any property or area jointly or fully controlled by the City when reasonable suspicion exists to believe the search will reveal evidence of a violation of Policy Part II.

#### **Discipline for Positive Test or Refusal to Take Test, Comply with Testing Procedures or Comply With SAP**

- A positive controlled substance test and/or an alcohol test indicating an alcohol concentration of 0.02 or more shall be considered just cause for disciplinary action in accordance with the Civil Service Rules & Regulations.
- If an employee refuses to take a required alcohol test, there will be a presumption that the employee has a blood alcohol concentration of 0.04 or greater. If the employee refuses to take a required controlled substances test, there shall be a presumption that the employee tests positive for one of the controlled substances. Refusal to submit to a required alcohol and/or controlled substances test shall be considered just cause for disciplinary action in accordance with the applicable Labor Agreement and Civil Service Rules & Regulations.
- If an employee refuses or fails to comply with testing procedures, it shall be considered a positive test. The procedures are as follows:
  - Fail to appear for any test within a reasonable time, as determined by the employer.
  - Fail to remain at the testing site until the testing process is completed.

- Fail to permit the observation or monitoring of your provision of a specimen.
  - Fail or decline to take a second test the employer or collector has directed you to take.
  - Fail to sign the certification at Step 2 of the ATF.
- Any attempt by an employee to tamper with a urine sample or otherwise obstruct the testing process shall be considered just cause for disciplinary action in accordance with the applicable Labor Agreement and Civil Service Rules & Regulations
  - The refusal of an employee to participate in an SAP evaluation and/or comply with any corresponding SAP recommended/prescribed rehabilitation and/or treatment programs shall be considered just cause for disciplinary action in accordance with the applicable Labor Agreement and Civil Service Rules & Regulations.

### **Collection and Testing Procedures**

All alcohol and controlled substance testing shall comply with DOT's Procedure for Transportation Workplace Drug and Alcohol Testing Programs, 49 CFR Part 40. These procedures are designed to ensure the accuracy and integrity of the test results and include screening tests, confirmation tests, chain of custody safeguards, and appropriate privacy and confidentiality protections.

Controlled substance testing will normally be performed by urinalysis at a test laboratory certified by the U.S. Department of Health & Human Services ("DHHS"). The test involves an initial screening performed by the enzyme multiplied immunoassay test ("EMIT"). Any positive test is then confirmed by a second test of the same sample by Gas Chromatography/Mass Spectrometry ("GC/MS"). The City's designated MRO shall receive and interpret test results and report them to the City.

Prior to reporting a positive test result, the MRO shall give the employee an opportunity to discuss the test result. If the employee meets with the MRO and fails to present information affecting the test result, or if the employee refuses to meet with the MRO, the MRO will verify a positive test result and will inform the City Personnel Officer on a confidential basis that the employee tested positive. The MRO will also inform the employee at the time the test result is verified that he or she may request a "re-test" at their own expense within 72 hours. Upon request, the employee shall be given a copy of the positive test results.

Alcohol testing will normally be performed by a trained breath alcohol technician ("BAT") utilizing an evidential breath testing device ("EBT"). Testing will take place at a site designated by the City. The BAT will inform an employee of the EBT results at the time of testing. If the screening test shows an alcohol concentration of greater than 0.02, a confirmation test will be conducted within 20 minutes of the screening test. If the confirmation test shows an alcohol concentration of 0.020 or greater, the BAT will show the employee the printed test results and shall notify the City Personnel Officer of the test results.

In limited situations, such as where it is not possible to test by urinalysis or EBT, blood tests may be utilized to test for the presence of substances. If the blood test is utilized,

the employee will normally be notified of the results by the MRO. An employee, at his or her own expense, may make a written request for re-test of a test sample within 72 hours of receiving the test results.

### **Retention of Records and Confidentiality**

Pursuant to the DOT rules and regulations, the City is required to maintain a number of records regarding alcohol and controlled substances testing. The type of documents that must be retained is lengthy and is listed the DOT rules and regulations.

#### ➤ Retention Period of Records.

- The following records shall be maintained for a minimum of five years:
  - Alcohol tests results indicating an alcohol concentration of 0.02 or greater;
  - Verified positive controlled substances tests;
  - Documentation of refusals to take required alcohol and/or controlled substances tests;
  - EBT calibration documentation; and
  - Documentation of employee evaluations and referrals by SAPs.
- Records related to alcohol and controlled substances collection process and training shall be maintained for a minimum of two years.
- Records of negative and canceled controlled substances tests and alcohol tests indicating an alcohol concentration of less than 0.02 shall be maintained for a minimum of one year.

#### ➤ Confidentiality.

- All records required to be retained under DOT rules and regulations shall be maintained in a secure location with controlled access.
- Only City management representatives with a “need-to-know” responsibility will be made aware of substance abuse situations or test results.
- Except as required by law or expressly authorized, the City shall not release information that is contained in records required to be maintained under the DOT rules and regulations.
- Upon written request, an employee may obtain copies of any records pertaining to the employee’s use of controlled substances and/or alcohol.<sup>14</sup>  
v
- All results of alcohol and/or controlled substances testing conducted pursuant to the DOT rules and regulations shall be made available, upon request, to

appropriate government officials having regulatory authority over the City and its employees.

- The City shall provide copies of records retained hereunder to potential employers when current or former City employees have signed and provided the appropriate authorization form to the City.

## **Education**

- Employees will receive an initial introductory 4 hour session regarding substance abuse in the workplace. Thereafter, employees will receive at least 2 hours of annual training on the effects and consequences of controlled substances in regard to personal health, safety, and the work environment, and on the signs and symptoms that indicate controlled substance use.
- Supervisors who may make reasonable suspicion determinations will receive an additional 1 hour of training on alcohol misuse annually and another 1 hour on substance abuse annually. The training will cover the physical, behavioral, and performance indicators of probable alcohol misuse and controlled substance use.

## **Administration**

The City Department of Human Resources is responsible for taking the necessary steps to ensure that employees, supervisors, managers, contractors, suppliers, and others who may be performing work or providing services on City property, or on behalf of the City, comply with the Policy.

## **Savings Clause**

It is understood that all provisions of Policy Part II are subject to applicable Federal, State, and Local laws, and if any provision of any section of this agreement is held or found to be in conflict therewith, said provision shall be void. However, such invalidity shall not affect the remaining sections of this Policy Part II.

## **DEFINITIONS**

For the purpose of this policy, the following terms have the meanings indicated:

*Accident* – Accident means an occurrence associated with the operation of a vehicle if, as a result:

- An individual dies;
- An individual suffers a bodily injury and immediately receives medical treatment away from the accident scene;
- A vehicle sustains disabling damage and is transported away from the accident scene by a tow truck or other vehicle; or

- A revenue service vehicle is removed from revenue service.

*Alcohol* – Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, and/or other low molecular weight alcohol including methyl and isopropyl alcohol.

*Alcohol Concentration/Content* – Alcohol concentration/content means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

*Alcohol Test* – An alcohol test is a test conducted by a Breath Alcohol Technician, or any other person approved by the Department of Transportation rules, using an Evidential Breath Testing Device (EBT) to measure the amount of alcohol concentration in a volume of breath; provided, however, that a blood alcohol test may be used instead of a breath test when an employee is unable to provide a sufficient amount of breath or a BAT is not readily available.

*Alcohol Use* – Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

*Breath Alcohol Technician* – A Breath Alcohol Technician (BAT) is an individual who instructs and assists individuals in the alcohol testing process and operates EBT devices.

*Commercial Motor Vehicle* – A commercial motor vehicle means a motor vehicle or a combination of motor vehicles used in commerce to transport passengers and/or property if the motor vehicle:

- Has a gross weight of 26,001 or more pounds, including combined weight if towed unit has a gross vehicle weight rating of more than 10,000 pounds;
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used to transport materials found to be hazardous for purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Material Regulations (149 CFR 172, subpart F).

*Confirmation Test* –

- For alcohol testing, a confirmation test means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.
- For controlled substances testing, a confirmation test means a second analytical procedure to identify the presence of a specific controlled substance or controlled substance metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

*Controlled Substance* – substance whose dissemination or use is controlled by regulation or statute, including, but not limited to alcohol, narcotics, depressants,

stimulants, hallucinogens, and cannabis. (Controlled substances include cocaine, marijuana, opiates, amphetamines, phencyclidine, and any other substance determined by the DOT or its agencies to be a controlled substance. - second definition?)

*Controlled Substance Test* – A method for determining the presence of controlled substances in a urine sample using a scientifically reliable method performed in accordance with procedures specified in 49 CFR part 40, as amended.

*Conviction* – finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of Federal, State, or City drug laws.

*Counseling* – participation in a substance abuse counseling program provided through the City of Yakima Employee Assistance Program (EAP).

*Criminal Drug Statute* – criminal law involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

*Drug and Alcohol Abuse* – the use of a substance, including medically authorized drugs, which impairs job performance or poses a hazard to the safety and welfare of the employee, the public, or other employees.

*Failing a Controlled Substance or Alcohol Test* – Failing a controlled substance or alcohol test means that the controlled substance or alcohol test showed positive evidence of the presence of a controlled substance or alcohol in an employee's system that is at or above a determined threshold level. This determination shall be made by the City MRO under the same standards as passing a substance test. Failing a substance test shall be referred to as "testing positive." Employees who refuse to take a substance test when requested to do so shall be considered to have failed the substance test.

*Evidential Breath Test Device* – An Evidential Breath Testing Device (EBT) is a device approved by the National Highway Traffic Safety Administration (NHTSA) and placed on the NHTSA's Conforming Products List (CPL) and is used for the testing of breath for the presence of alcohol.

*Medical Review Officer* – A Medical Review Officer (MRO) is a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the City's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

*Medically Authorized Drugs or Substances* – drug or substance prescribed by a licensed practitioner/physician or dentist for use in the course of medical treatment.

*Passing a Controlled Substance Test* – An individual passes a controlled substance test when a MRO determines, in accordance with the DOT procedures, that the results of the test:

- Showed no evidence or insufficient evidence of a controlled substance or controlled substance metabolite;

- Showed evidence of a controlled substance or controlled substance metabolite for which there is a legitimate medical explanation;
- Showed evidence of a controlled substance or controlled substance metabolite below a determined threshold level; or
- Were suspect because of irregularities in the administration of the test, or observation, or custody and control procedures.
- Passing a controlled substance test shall be referred to as “testing negative.”

*Passing an Alcohol Test* – Passing an alcohol test means that the alcohol test result shows an alcohol concentration of less than 0.04. Passing an alcohol test shall be referred to as “testing negative.”

*Reasonable Cause* – All of the facts and circumstances available at the time of an incident which would lead any reasonable person to the same conclusion.

*Refusal to Submit* – An employee “refuses to submit” to an alcohol or controlled substances test when the employee fails to provide adequate breath or urine for testing without a valid medical explanation, or the employee engages in conduct that clearly obstructs the testing process.

*Revenue Service Vehicle* – A vehicle used to transport fare paying passengers, including a bus or trolley bus.

*Safety-Sensitive Position* – A position that requires the performance of one of the following safety-sensitive functions:

- Operating a revenue service vehicle, including when the vehicle is not in revenue service;
- Operating a non-revenue service vehicle, when required to be operated by a holder of a CDL;
- Controlling dispatch or movement of a revenue service vehicle;
- Maintaining a revenue service vehicle or equipment used in revenue service, unless the recipient receives section 18 funding and contracts out such services. Maintaining a revenue service vehicle includes any act which repairs, provides upkeep to a vehicle, or any other process which keeps the vehicle operational. It does not include cleaning the interior or exterior of the revenue service vehicle or transit facility; and
- Carrying a firearm for security purposes aboard a revenue service vehicle.

*Screening Test* –

- For alcohol testing, a screening test is an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in his/her system.

- For controlled substances testing, a screening test means an immunoassay screen (or other Department of Health and Human Service (DHHS) - approved test) utilized to eliminate “negative” urine specimens from further consideration.

*Substance Abuse Professional* – A substance abuse professional (SAP) is a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.

*Unreasonable Delay* – delay of the testing procedure for a period of time which would render the test useless or inaccurate.

*Written Medical Authorization* – prescription or other written approval from a licensed practitioner/physician or dentist for the use of a drug in the course of medical treatment. The authorization must include the name of the substance, the period of authorization, and whether the prescribed medication may impair job performance.

## **REFERENCE DOCUMENTS**

The following document is related to this policy and may be obtained from the Human Resources Department:

- Supervisor's Checklist for Drug and Alcohol Abuse





**DEPARTMENT:** Finance

**AUTHORIZED BY:** City Manager / Finance Director

**EFFECTIVE DATE:** 08/01/1996

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:**

---

***POLICY: TRAVEL AND REIMBURSEMENT***

**PURPOSE**

The purpose of this policy is to clarify procedures for reimbursement of employee expenses incurred during business travel for the City of Yakima.

**POLICY SUMMARY**

This policy establishes guidelines for the equitable reimbursement of expenses incurred by City officers and employees while on City business and to establish guidelines for authorization and approval of expenses.

**SCOPE AND APPLICABILITY**

All City officials and employees who incur expenses while on City business and request reimbursement are required to abide by this policy.

**POLICY AND PROCEDURES**

Officers and employees will be reimbursed for authorized expenses incurred, either within or without the City, while on official City business. Reimbursement is subject to the requirements and restrictions of this policy.

**Approval and Prior Authorization**

- A. Prior written authorization is required for all travel outside the City.
  - Prior authorization is given to City officers and employees for travel within the City of Yakima, for expenses for mileage and authorized meals
  - Prior authorization is given to City Department Heads for travel in state which does not involve overnight accommodations.
- B. Travel must be approved on the City Travel Authorization Form, which is available from the Finance Department.
- C. The City Manager approves all out of state travel.

- D. The City Manager approves all travel involving more than two (2) overnight accommodations for all employees.
- E. Department Heads approve travel for all their employees.
- F. Travel to conventions or meetings outside of the Northwest will only be authorized when there is no similar opportunity closer to the City.
- G. Department Heads are authorized to attend one national or regional conference for an association annually provided:
  - They are an active member,
  - The conference has been budgeted,
  - Attendance has been approved.
- H. Division Managers and employees who serve on a national committee or are an officer for a national association are authorized to attend one national conference for the association provided:
  - The conference has been budgeted
  - Attendance has been approved.
- I. After attending a meeting, the person may be required to complete a one page evaluation on the value of the meeting to the City.
  - This form, which is available from the Human Resources Department, must be submitted with the Travel Expense Voucher to receive reimbursement.

### **Reimbursement for Employee Travel**

- A. Officers and employees may be reimbursed for the following types of expenses incurred on official city business as evidenced by a receipt,
  - Transportation
    - The traveler is required to select the most reasonable and economical means of transportation.
      - Other factors including but not limited to distance, travel time and number of travelers should be considered.
    - Reimbursement will be for the actual cost.
    - Reimbursement for the use of a privately owned vehicle on official City business is at the rate authorized by the Internal Revenue Code at the time of travel.

- Lodging and Meals
  - Reimbursement is for actual cost.
  - The maximum reimbursement for lodging and meals is one hundred seventy five dollars per day (\$175.00), including tips and gratuities. **Note** This amount is in ordinance 98-008.
  - When a City officer or employee attends a conference, convention or similar function and the cost for lodging and meals exceeds the one hundred seventy five dollars (\$175.00) per day maximum, the City Manager can approve the additional cost. City Manager approval of expenses in excess of the maximum rate must be made in advance of the travel.
  - When a family member accompanies a City official or employee on City business, the employee will be reimbursed the rate for a single room.
- Necessary minor expenses
  - Minor expenses include such costs as tips and gratuities.
  - Reimbursement is for actual costs.

B. *City officers and employees **will not** be reimbursed for alcoholic beverage expenses.*

**C. Original receipts are required for all expenses submitted for reimbursement.**

- Itemized receipts are required for meals.
- If an expense is \$10.00 or less, a receipt is not required.
- *Attach receipts to Travel Expense Voucher.*

D. Reimbursement will be made after Travel Expense Voucher is completed and approved.

E. City officers and employees may be reimbursed for the following expenses:

- The cost of a meal when attending a meeting where City business is conducted.
- The cost of a meal when attending a meeting during meal time where the City has an interest.
- Insurance for personal liability and Collision Damage Waiver when renting a car.

**Reimbursement for Employee Recruitment**

A. Travel and subsistence expenses of applicants invited to the City for interviews may be reimbursed, subject to the terms and requirements of this policy.

B. Travel and subsistence expenses incurred by an applicant for a management position may be reimbursed on the same basis as a City officer or employee.

- C. With the prior approval of the City Manager, the travel and subsistence expenses of the finalist for a non-management position may be shared equally by the City and applicant. The position must require specialized experience and training.
- D. If the applicants in A or B above are offered employment and do not accept, they shall forfeit one half of the authorized reimbursement.
- E. The travel and subsistence expenses of new employees, from outside of Yakima County, requested to move to the City of Yakima may be reimbursed with prior approval by the City Manager. Qualified expenses include but are not limited to the following:
  - The cost of moving the new employee's household goods and personal effects from their place of residence to the City is negotiable.
  - The cost of moving may be paid from the appropriate operating fund.
  - The City may pay for up to 10,000 pounds of household goods.
  - The new employee is responsible for packing household goods.
  - A local firm must be used for the move.
  - Reimbursement of travel and subsistence expenses for new employee's immediate family shall follow the same guidelines as for City officers and employees in this policy.

### **Travel Advance Reimbursement**

- A. The City may advance funds to City officers or employees for expenses the City officer or employee may incur while traveling on authorized City business. A Request for Advance Travel Expenses must be completed and approved.
- B. On the tenth day following the close of the authorized travel period, the City Official or employee shall submit a completed, authorized travel expense voucher and any unexpended funds.
- C. Any advance or portion of advance not repaid or accounted for in the time specified shall bear interest at the rate of ten percent per annum from the date of default until paid.
- D. The City shall have a lien against, and the right to withhold any funds payable or will become payable by the City to the official or employee to whom an advance was made up to the amount of the advance and for interest at the rate of ten percent per annum until such time the advance has been repaid or justification for the advance has been made.
- E. No further advance will be made to a City official or employee who is delinquent in accounting for or repaying an advance.

## **DEFINITIONS**

Northwest: For travel, Washington, Oregon, Idaho and British Columbia are considered the Northwest.

Within the City For the purposes of this Policy, within the city refers to any destination within 50 miles of the City of Yakima.

## **REFERENCE DOCUMENTS**

City of Yakima Ordinance No. 98-008, subsection 2.20.86A Reimbursable Expenditures—Amounts, 3/22/1998

Yakima Municipal Code, Chapter 3.01, Advance Travel Expense Fund  
<http://www.ci.yakima.wa.us/>

The following forms are related to this policy and are available from the Finance Department:

- Authorization for Travel
- Employee Travel Expense Reimbursement Request
- Request for Travel Advance
- Affidavit of Business expense for Lost or Incomplete Receipt



**DEPARTMENT:** Administration

**AUTHORIZED BY:** City Manager

**EFFECTIVE DATE:** 10/24/2005  
**SUPERSEDES:**

**REISSUE DATE:** 11/01/2012

---

***POLICY: USE AND ASSIGNMENT OF CITY VEHICLES***

**PURPOSE**

The purpose of this policy is to clarify expectations of City personnel operating City vehicles.

**POLICY SUMMARY**

This policy establishes conditions and rules for assignment and operation of City owned vehicles and the rules for use of such vehicles.

**SCOPE AND APPLICABILITY**

This policy applies to all City vehicles and all City personnel who operate them.

**POLICY AND PROCEDURES**

Vehicles authorized to be taken overnight on a regular basis are vehicles for law enforcement (marked or unmarked) or vehicles equipped with permanently-affixed special gear such as emergency communications, flares, first aid supplies, tool boxes, tanks, etc. A supervisor must approve use of a City vehicle for any purpose.

City employees may be assigned a vehicle with the authority to take it home in accordance with the following conditions:

- To respond to 24-hour emergency calls in which an immediate response is required to save life and/or prevent damage to property
- To respond to 24-hour emergency calls in which an immediate response is required to investigate criminal activity and/or fires or to serve as an incident safety officer
- To exercise supervisory responsibility in an emergency
- To perform on duty inspections for night construction activity from April 1st through September 30th, as needed

- To participate in an out-of-town training seminar or business meeting the following day
- To transport K-9 equipment, including dogs
- To allow in-door, safe and secure storage of police motorcycles.

*No assignments are allowed as a privilege or condition of employment.* It is understood that anyone taking home a City vehicle for emergency response should be available when called. If not, supervisors should arrange for alternatives.

City employees assigned a vehicle for day or night use will observe the following rules:

- Vehicles will be used only for the conduct of official municipal business.
- Transporting passengers in a City vehicle is restricted to City employees, others traveling on City business, to assist the public in an emergency, or after approval by a supervisor and execution of a waiver of liability.
- Employees may drive to a meal location only while on duty, for meeting purposes, or while en route between workstations.
- Employees attending meetings during the day or evening will, if possible, use a City vehicle and pool transportation with other employees planning to attend.
- All vehicles not specifically assigned for overnight use or continuous use during the day will be available to other employees requiring transportation to conduct municipal business.
- Personal use of a City vehicle is strictly prohibited at all times.
- In the event a City vehicle is unavailable for City business, employees are eligible to request mileage reimbursement in accordance with the provisions of the Municipal Code.

Overnight use of a City vehicle is restricted to the employees listed below. A deviation from this policy subjects the employee to possible disciplinary action for unauthorized use of a City vehicle and Internal Revenue Service income tax consequences.

All vehicles shall be marked except unmarked, undercover law enforcement vehicles used by undercover law enforcement officers listed below.

**AUTHORIZED PERSONNEL  
ASSIGNED CITY VEHICLES FOR OVERNIGHT USE**

**Fire Department**

Deputy Fire Chief	Fire Chief(s) Assistant	Fire Marshall
Deputy Fire Marshall	Training Supervisor	Training Assistant
	K-9 Accelerant Detection Handler	

**Police Department**

Police Chief	Division Commander(s)	Detectives
SWAT Commander	K-9 officer(s)	Motorcycle Patrol Officers
School Resource Officers		Community Service Officers

**Department of Public Works**

Street Maintenance Supervisor

**Department of Community and Economic Development**

Animal Control (for emergency call out duty only)

**City Management Department**

Sewer Maintenance Crew Leader (Only for the crew leader on-call that night or weekend)

The use of City vehicles to attend a training seminar or conference for authorized overnight travel is permitted. Employees must have supervisory approval.

This policy is subject to change at any time, and the use of a city vehicle by any city employee may be revoked at any time for any reason.





DEPARTMENT: Administration

AUTHORIZED BY: City Manager

EFFECTIVE DATE: 05/05/2009

REISSUE DATE: 11/01/2012

SUPERSEDES: 05/13/1980

***POLICY: VEHICLE COLLISION REVIEW*****PURPOSE**

The delivery of City services primarily relies on the use of vehicles. As such, the City is continually exposed to risk. These risks can be reduced by properly and promptly investigating all collisions involving City vehicles *or private vehicles used on City business*, and taking corrective action where necessary to preclude future occurrences. Successful implementation of this program will result in greater operator safety awareness, reduced collisions, cost savings in terms of fleet insurance premiums and claims, and most importantly enhanced safety to the public and City employees.

**POLICY SUMMARY**

This policy provides for a review of all collisions by immediate supervisors, City Management, and the Vehicle Collision Review Committee. There is an annual report presented to the City Manager regarding the disposition of motor vehicle collisions.

**SCOPE AND APPLICABILITY**

Management personnel are expected to possess a thorough understanding of the program, and to inform staff of the requirements and procedures to ensure success.

**POLICY AND PROCEDURES****When to Call the Police**

Anytime a collision occurs on a public right of way or private property, the local law enforcement agency must be contacted by dialing 9-1-1. That law enforcement agency shall determine if a response is required. The employee shall remain at the scene, providing they do not need immediate medical attention, until released by the law enforcement officer or their supervisor. In the event the law enforcement agency determines that an officer is not required at the scene, and there are no injuries or damage is under the accident reporting threshold (WAC 446-85-010), a supervisor can handle the investigation, including taking photos of the collision and damage done. It is a misdemeanor if the collision is not reported to law enforcement when the damage done is above the accident reporting threshold. A fine may be imposed on the driver.

## **Responsibilities**

*Employees involved in a collision must (providing the employee is not injured to an extent where they cannot comply):*

- Not move the vehicle after the collision until directed to do so by law enforcement or the responding supervisor, unless moving the vehicle is required to protect life and/or additional property.
- Notify the local law enforcement agency by calling 9-1-1 and inform them of any injuries.
- Discuss collision only with law enforcement, responding supervisor or designee.
- Determine whether to render medical assistance if capable.
- Notify their immediate supervisor, Division Manager or designee.
- Remain at the collision scene until released by law enforcement or Supervisor.
- Complete the Vehicle Collision Report within one workday (24 hours) with as much detail as possible and submit this report to their immediate supervisor or Division Manager.
- If any person is injured or if any person's property sustains damages above the accident reporting threshold (WAC 446-85-010), complete and submit a State of Washington Vehicle Collision Report, available at local law enforcement agencies or online at the Washington State Patrol web site.
- Assist the immediate supervisor, Division Manager, Vehicle Collision Review Committee and insurance carrier during the collision investigation.
- Seek medical attention if recommended.
- Submit to a drug or alcohol test if directed by appropriate authority.

*Supervisor, Division Manager or designee of the employee responsible for the operation of the City-owned vehicle involved in a collision must:*

- Determine if employee(s) involved should seek medical attention.
- Determine if employee(s) involved should complete their scheduled shift.
- Determine if a drug or alcohol test is necessary or required. (For Commercial Drivers License (CDL) holders, in accordance with Department of Transportation (DOT) and Federal Transit Authority (FTA) regulations in the City's Revised Substance Abuse Policy - Part II. For non-CDL holders, only if there is "reasonable cause" to believe the employee may be under the influence of drugs or alcohol, in accordance with the City's New Substance Abuse Policy or any applicable Collective Bargaining Agreement).

- Assist in the collision review. In the event the appropriate law enforcement agency has determined not to respond, the supervisor, Division Manager or designee is to conduct a review to the extent of their capability.
- Obtain photographs of all involved vehicles, damage and the immediate area of the collision.
- Ensure that the City employee operating a City vehicle involved in a collision has properly completed the Vehicle Collision Report.
- Complete the supervisor's section of the Vehicle Collision Report providing as much detailed information as possible and route the form to the Vehicle Collision Review Committee.
- Review the findings of the Committee with the employee and return the Vehicle Collision Review Committee Determination form to the Vehicle Collision Review Committee Chairperson within 30 days.

*Human Resources Division:*

- Provide clerical support for the City Vehicle Collision Review Committee. Receive and review reports for accuracy and completeness. If reports are not complete, route back to the Vehicle Collision Review Committee.
- Review the reports periodically to determine if any trends are developing and if specialized training should be provided. Work with the Committee to try to eliminate reoccurring incidents.
- Place completed forms from preventable collisions in the employee's personnel file, to be maintained there for three years, or as specified by the applicable Collective Bargaining Agreement.
- Maintain a master file and statistics of all preventable collisions.

*Motor Vehicle Collision Review Committee:*

Committee members shall review the City Vehicle Collision Report and any other information submitted.

- The committee members shall determine whether the collision was preventable, non-preventable or inconclusive. If there are questions, the committee may request additional information or clarification from the employee involved or the investigating police officer/department to make the determination.
- Upon making a determination, the findings of the committee will be documented on the Vehicle Collision Review Committee Determination form and will indicate what recommended corrective action should be taken to prevent similar occurrences in the future.

*Vehicle Collision Review Committee Chairperson:*

- Oversee the conduct of the City Vehicle Collision Review Committee meetings.
- Notify and invite the employee to the committee meeting where the incident will be discussed.
- Obtain photographs from law enforcement or Supervisor if available.
- Request a copy of the State of Washington Police Traffic Collision Report for the committee from the investigating agency as needed.
- Notify employee and manager of the committee's determination and recommendations.
- Request that the Division Manager or immediate supervisor report to the committee as to what actions were taken to prevent similar collisions in the future.
- Submit a copy of the findings to Human Resources.

## **DEFINITIONS**

*Collision* – Any event in which a City vehicle, or a vehicle driven by an employee while on business for the city, in which the vehicle comes into contact with another vehicle, person or private property resulting in damage, injury or death.

*Incident* – Any event in which a City vehicle, or a vehicle driven by an employee while on business for the city, in which the vehicle comes into contact with another vehicle, person or private property with no damage being done.

*Preventable* – An action could have been reasonably taken to avoid the collision.

*Non-Preventable* – No action could have been reasonably taken to avoid the collision.

*Inconclusive* – The primary contributing factor(s) of the collision could not be determined upon review.

## **REFERENCE DOCUMENTS**

The following form is related to this policy and may be obtained from the Human Resources Department:

- Vehicle Collision Report
- Vehicle Collision Review Committee Determination



DEPARTMENT: Human Resources

AUTHORIZED BY: City Manager / HR Manager

EFFECTIVE DATE: 07/01/1993

REISSUE DATE: 11/01/2012

SUPERSEDES:

***POLICY: WHISTLE BLOWER REPORTING  
(IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES  
AGAINST RETALIATION)***

**PURPOSE**

The purpose of this policy is to provide a means for City employees to report improper governmental actions and protect employees against retaliation.

**POLICY SUMMARY**

It is the policy of the City of Yakima to 1) require reporting by its employees of improper governmental action taken by City officers or employees, and 2) protect City employees who have reported improper Governmental actions in accordance with the City's policies and procedure(s).

**SCOPE AND APPLICABILITY**

This policy applies to all City personnel.

**POLICY AND PROCEDURES**

**Procedures for Reporting**

City employees who become aware of improper governmental actions shall raise the issue first with their supervisor. The employee shall submit a written report to supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee shall submit a written report directly with his or her department director unless the employee reasonably believes that the improper governmental action involves his or her department director. In that event the employee shall submit a written report to the City Manager. A required report shall be made as soon as possible.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

The supervisor, the City Manager or the City manager's designee, as the case may be, shall take prompt action to assist the city in properly investigating the report of improper governmental action. City officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be given a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

City employees may report information about improper governmental action directly to the appropriate government agency responsible for investigating the improper action if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, or that insufficient action has been taken by the City to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

City employees who fail to make a good-faith attempt to follow the City's procedures in reporting improper governmental action shall not receive the protections provided by the City in these procedures. Failure to comply with this policy may also constitute grounds for discipline including discharge. Any action taken by an employee or group of employees under this policy found to be frivolous and with malicious intent may cause such employee or employees to be subject to discipline including discharge.

#### **Protection Against Retaliatory Actions.**

City officials and employees are prohibited from taking retaliatory action against an employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the City Manager or the City manager's designee. City officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor, the City Manager, or the City manager's designee, as the case may be, does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the city council that: (1) specifies the alleged retaliatory action; and (2) specifies the relief requested.

City employees shall provide a copy of their written charge to the City Manager no later than thirty days after the occurrence of the alleged retaliatory action. The city shall respond within thirty days to the charge or retaliatory action.

After receiving either the response of the City or thirty days after the delivery of the charge to the City, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the City Manager within the earlier of either fifteen days of delivery of the City's

response to the charge of retaliatory action, or forty-five days of delivery of the charge of retaliation to the City for response. Failure to comply with the previously mentioned time limits constitutes a waiver.

Upon receipt of request for hearing, the City shall apply within five working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge to:

Office of Administrative Hearings  
P.O. Box 42488, 4224 Sixth S.E.  
Row Six, Bldg. 1  
Lacey, WA 98504-2488  
(360) 459-6353



**DEPARTMENT:** Human Resources

**AUTHORIZED BY:** City Manager / HR Manager

**EFFECTIVE DATE:** 03/01/2012

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:** 02/01/2009

---

***POLICY: WORKPLACE ANTI-HARASSMENT***

**PURPOSE**

The purpose of this policy is to specify fair and consistent practices for managers and employees which will promote a working environment free from unlawful harassment.

**POLICY SUMMARY**

This policy specifies the definition of harassment and the appropriate procedures and responsibilities for making, investigating and resolving harassment complaints.

**SCOPE AND APPLICABILITY**

This policy impacts all departments and all employees of the City of Yakima, including temporary and probationary employees. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Policy prevails except where it conflicts with the collective bargaining agreement or any memoranda or agreement signed pursuant to the collective bargaining process. Where federal or state laws or regulations impose more stringent requirements than this policy, employees shall observe the requirements of those laws.

**POLICY**

**1. Nondiscrimination**

It is the policy of the City of Yakima to provide a work environment for its employees that is free from discrimination and promotes equal employment opportunity for and equitable treatment of all employees. The City of Yakima will not tolerate harassment of its employees by co-workers, supervisors, managers, officers of the City, and from non-employees or other members of the public conducting business with the City or using City facilities.

1 See Burlington Northern and Santa Fe Railway Co. v. White, 548 U.S. 53 (2006).

**2. Making a Harassment Complaint**



- A. Employees shall immediately report to any management representative any allegations or complaints of harassment. Depending on an assessment of the circumstances, reporting a harassment complaint to or discussing a harassment complaint with a management representative will result in an investigation.
1. Employees may make informal inquiries about legal rights and agency procedures to the City of Yakima Human Resources Division and/or other government agencies with jurisdiction.
  2. Employees may seek confidential counseling and referral through the City's Employee Assistance Program. Contacting the Employee Assistance Program for counseling and referral does not constitute a harassment complaint.
- B. A harassment complaint may be oral or written. Where possible, it should include the date(s) the incident(s) occurred, name(s) of the individual(s) involved, name(s) of witness(es), and a description of the incident(s). It may also include a statement of the desired remedy.

### **3. Investigating Harassment Complaints**

- A. A management representative who is told or otherwise becomes aware that harassment may be occurring is obligated to immediately report the allegation or complaint to the alleged harasser's Department Head. The Department Head shall immediately inform the City Manager. In the event the alleged harasser is a Department Head, the management representative shall immediately report the allegation or complaint to the City Manager.
1. The City Manager or his/her designee shall, as soon as practicable, consult with the Human Resources and/or Legal Department regarding the complaint.
  2. The City Manager or his/her designee shall, as soon as practicable, assess the need to prevent the alleged harasser from having contact with the alleged victim of harassment pending the outcome of an investigation.
- B. Depending on an assessment of the circumstances, the City Manager or his/her designee will designate a qualified investigator to immediately commence an investigation of the complaint. The City Manager or his/her designee will first consider using an internal investigator. An internal investigator may be precluded and an outside investigator retained due to the following concerns:
- Workload issues preventing a timely investigation
  - Specialized expertise in the facts, policy, or law involved
  - Conflicts of interest or the potential for conflicts of interest
  - Impartiality and/or the appearance of impartiality
  - Complexity of the facts, policy, or law involved
  - Other reasonable bases

If either the complainant or the alleged harasser raises a reasonable objection to an investigator at the time the investigator is designated, the City Manager or his/her designee shall attempt to reassign the investigation. In the event an outside investigator is retained, the City Manager or his/her designee will consider qualified investigators within the City of Yakima prior to considering qualified investigators elsewhere in eastern Washington and then beyond.

- C. The investigator shall complete his or her investigation as promptly as possible while ensuring that the investigation is fair, complete, and impartial. The city shall endeavor to complete the investigation within 90 days. The City Manager or his/her designee shall regularly make contact with the complainant to inform the complainant about the status of the investigation and receive input on issues that may be impacting the complainant as a result of the complaint.
1. The investigation shall include interviews with the complainant and the alleged harasser and any other person(s) whom the investigator has reason to believe has information directly related to the complaint or the investigation thereof.
  2. Where appropriate, the investigator shall assure compliance with employees' Weingarten rights, i.e. right to union representation, if any.
  3. Employees shall cooperate fully with the investigation by answering the investigator's questions honestly and completely and complying with any other reasonable requests of the investigator. Failure to comply with these requirements subjects the employee to disciplinary action.
  4. In order to ensure that the integrity of the investigation is preserved, employees shall not discuss the allegations, the investigation, the identity of individuals interviewed, the questions asked by the investigator, the responses provided, or any other aspect of the investigation with anyone without the express authorization of either the investigator or the City Manager or his/her designee. This prohibition applies to all forms of communication. Employees may, however, discuss the matter with their union representative and/or attorney without authorization. Employees who become aware that another employee has violated this provision are required to report the violation to the Human Resources Manager immediately. Failure of an employee to comply with these requirements subjects the employee to disciplinary action.
  5. The investigator shall prepare and provide a report of the investigation to the City Manager.
  6. To the extent that it does not hinder the investigation or the resolution of the complaint and is permitted under local, state and federal laws, management representatives and any independent investigator shall maintain the confidentiality of a harassment complaint.

7. Public records related to an investigation will be held in a confidential capacity during the pendency of an investigation to the extent permitted by law.
- D. To avoid duplication of efforts or otherwise conserve City resources, the City Manager may suspend or close an investigation for any reason that does not conflict with this Policy, including the reason that the complainant is actively pursuing his or her complaint in another forum.

#### **4. Resolution of Harassment Complaints**

- A. If the investigation substantiates the complaint of harassment, the City Manager or his/her designee shall make a determination regarding the appropriate resolution, including disciplinary action. Before making a decision to impose disciplinary action, the City Manager or his/her designee shall ensure that the alleged harasser has been given the opportunity to review the results of the investigation, has been told of the evidence obtained, and has had an opportunity to provide a response to the outcome of the investigation. The City Manager or his/her designee shall take the alleged harasser's response into account before taking final action on the complaint.
- B. In addition to any disciplinary action taken, substantiated complaints shall be referenced in the alleged harasser's first performance evaluation following the conclusion of the investigation.
- C. If during the course of the investigation, the investigator determines that the allegation or complaint of harassment or discrimination was reported to a management representative and that management representative failed to immediately report the allegation or complaint, the City Manager shall investigate and take appropriate action against the management representative, including disciplinary action if appropriate. In addition, the failure to report shall be referenced in the management representative's first performance evaluation following completion of the investigation.
- D. Following determination of a substantiated complaint of harassment, the Human Resources Manager or his/her designee should inquire of the complainant at a frequency and for whatever duration is appropriate to ensure that the harassment has not resumed and that the complainant has not been retaliated against for making a complaint.

#### **5. Retaliation Prohibited**

Retaliation against a City employee for reporting allegations of harassment, bringing a complaint of harassment, providing honest information regarding a complaint of harassment, or participating honestly in an investigation of a complaint of harassment is prohibited and shall not be tolerated and may be grounds for discipline, up to and including termination of employment.

This policy does not constitute or imply a contract, agreement, promise or guarantee of employment or continued employment. The City reserves the right to change this policy at any time.

## **DEFINITIONS**

- A. "Harassment" shall mean verbal or physical conduct toward an individual because of his or her race, color, religion, creed, sex, sexual orientation, national origin, ancestry, age, disability, marital status, or honorably discharged veteran or military status, when such harassing conduct has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affects an individual's employment opportunities. The term includes sexual harassment. The term also includes epithets, slurs, and negative stereotyping; threatening, intimidating or hostile acts; or written or graphic materials that denigrate or show hostility or aversion that is placed on walls, bulletin boards, electronic bulletin boards, e-mail or otherwise placed or circulated in the workplace; when such actions or materials are related to or directed at an individual or group because of race, color, religion, creed, sex, sexual orientation, national origin, ancestry, age, disability, marital status, or honorably discharged veteran or military status.
- B. "Harassment Complaint" shall mean any oral or written complaint alleging an incident or incidents of harassment made by an employee to a management representative, or any information obtained by a management representative indicating that harassment has occurred or may be occurring in the workplace.
- C. "Hostile Working Environment" shall mean harassment of such a severe or pervasive nature that it alters the conditions of the victim's employment and creates an abusive working environment.
- D. "Management Representative" shall mean any individual working at or above the level of supervisor who is responsible for directing the work of employees and who exercises independent judgment with respect to the direction of such work.
- E. "Retaliation" shall mean materially adverse action that is harmful to the point it could dissuade a reasonable worker from making or supporting a harassment complaint.
- F. "Sexual Harassment" shall mean deliberate or repeated behavior of a sexual nature that is unwelcome and unwanted. It can be verbal, non-verbal, or physical, and includes such behaviors as solicitation of sexual favors, discussing sexual activities, inappropriate commenting on physical appearance, using crude or offensive language, displaying sexually explicit or suggestive pictures, using indecent gestures, repeated invitations for dates after being told no, unwelcome touching, and sexual assault.
- G. "Sexual Orientation" shall mean heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender

identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.

#### **REFERENCE DOCUMENTS AND PROCEDURES**

- City of Yakima Administrative Code Policy 1-800, Equal Employment Opportunity, (formerly HR 1801, Equal Employment Opportunity, 2/1/2009).



DEPARTMENT: Administration

AUTHORIZED BY: City Manager

EFFECTIVE DATE: 01/31/1984

REISSUE DATE: 11/01/2012

SUPERSEDES: 11/1978

---

***POLICY: COMMUNICATION WITH COUNCIL***

**PURPOSE**

The purpose of this policy is to provide guidelines concerning staff communications with City Council members and to improve City performance through timely responses and accountability on the part of management.

**POLICY SUMMARY**

This policy describes how to provide information in a timely and thorough manner to the members of City Council and how to respond to inquiries by City Council members.

**SCOPE AND APPLICABILITY**

This policy applies to all City personnel responsible for transmitting vital information to or from City Council members.

**POLICY AND PROCEDURES**

**Formal Request to Manager by Council at Council Meetings**

Review by staff and report back to Council by Manager and staff as appropriate.

**Inquiries to Manager for Information by Individual Members of Council between Meetings**

Information gathered and response issued as soon as possible by Manager or appropriate department director to Council members requesting information.

**Complaints or Requests for Action from Citizens Transmitted to Manager by Individual Members of Council between Meetings**

Assigned to appropriate department director with *written response* of action taken as soon as possible but not later than 10 working days, with copy to Manager and member of Council who transmitted the request.

**Inquiry Direct to Staff by Individual Members of Council**

For an inquiry relating to factual question or an activity ongoing or underway, a response is to be made *immediately* or within 10 working days. If additional response time is needed, the Council member should be informed of the approximate time frame to

receive an answer. For an inquiry relating to policy issues, Council members are to be informed that the information will be assembled as quickly as possible in a complete written memorandum for the Manager to send to the full Council, outlining the total matter and relevant issues. Further, a suitable interview between a Council member and appropriate staff members may be scheduled by the Manager in order to provide further response or explanation.

**Inquiry/messages Direct-to-Council by Individual Staff Members**

For information relating to a factual question or ongoing activity that is of particular interest to members of the Council, the data may be communicated immediately, or as soon as possible, with subsequent notification to the City Manager. Any information pertaining to policy issues must first be reviewed by the City Manager. All matters pertaining to personnel shall be handled through the Civil Service Rules and Regulations, Collective Bargaining Agreements and the City Manager.



DEPARTMENT: Administration

AUTHORIZED BY: City Manager

EFFECTIVE DATE: 05/05/2009  
SUPERSEDES: 01/28/1991

REISSUE DATE: 03/01/2012

***POLICY: DELEGATION OF APPROVAL AUTHORITY*****PURPOSE**

The purpose of this policy is to indicate, by position, who is responsible for giving approvals for various employee activities including those related to personnel actions, travel and training, fiscal/financial, purchasing, and budgeting.

**POLICY SUMMARY**

This policy establishes the delegation of approval authority of the City Manager to subordinate staff within the City of Yakima. The approval of a personnel or other action by any manager carries with it responsibilities. The signature is not merely an acknowledgement that an action has taken place, but also that the action is being taken in conformance with administrative policy and directives, Civil Service Rules, the Municipal Code, the City Charter or other applicable laws, regulations, and City Manager directives.

**SCOPE AND APPLICABILITY**

All departments within the City are subject to this policy, including the Municipal Court.

**POLICY AND PROCEDURES**

Review and/or approval authority is delegated as noted below:

**A. PERSONNEL ACTIONS**

*Requisition to Fill Vacancy –  
(Permanent & Temporary)*

*Appointments*

*Terminations - Voluntary*

**APPROVED BY:**

For all temporary and permanent positions,  
Department Director recommends and City  
Manager approves  
Temporary - Department Director approves/  
appoints, Human Resources manager notified  
Permanent Civil Service - Department Director  
appoints, Human Resources Manager notified  
Permanent Management - Department Director  
recommends, City Manager appoints  
Permanent and temporary Municipal Court –  
Presiding judge appoints  
Employee initiates



	<p>Division Manager / Department Director accepts.</p> <p>Department Director signs personnel action form</p> <p>Human Resources Manager and City Manager notified on permanent employees terminations</p>
<i>Dismissal - Involuntary (Permanent)</i>	<p>Department Director recommends with consultation of Human Resources and Legal.</p> <p>City Manager makes final decision</p> <p>City Manager approves for all employees</p>
<i>Special Assignment Pay</i>	
<i>Merit Pay Step Increases</i>	<p>Department Director and Division Manager for permanent employees</p> <p>Department Director recommends for Division Managers</p> <p>City Manager approves for Department Directors and Division Managers</p>
<i>Annual Leave</i>	<p>Division Manager for subordinates</p> <p>Department Director for direct subordinates</p> <p>City Manager for Department Directors</p>
<i>Administrative Leave</i>	<p>Director can authorize up to one week of paid leave</p> <p>City Manager approves paid leave over one week</p>
<i>Labor Contract Interpretation</i>	<p>Submit request to Human Resources Manager and City Legal</p>
<i>FMLA Family Leave</i>	<p>Division Manager recommends</p> <p>Department Director and/or Human Resources reviews and approves</p>
<i>Compassionate Leave (Ord. 1922)</i>	<p>Department Director for subordinates, after consultation with Human Resources, review of</p> <p>labor contract, and City Legal</p> <p>City manager for Department Directors</p>
<i>Sick Leave / Disability Leave</i>	<p>Division Manager for subordinates</p> <p>Department Director for direct subordinates</p> <p>City Manager for Department Directors</p>
<i>Overtime / Compensatory Time</i>	<p>Division Manager verifies available budget funding and approves for subordinates subject</p> <p>to City Manager guidelines, and notifies Director</p> <p>Department director approves for direct subordinates subject to City Manager guidelines</p> <p>FLSA exempt employees do not receive</p>

	<p>overtime  (exceptions for extreme situations can be made  by the City Manager)  Funds must be within current budget authorizations</p>
<i>Leave Without Pay (LWOP)</i>	<p>Division Manager recommends for subordinates  Department director approves up to 30 days  City Manager approves for over 30 days  City Manager approves for Department Directors</p>
<i>Severance Agreements</i>	<p>City Manager approves after consultation with Legal</p>
<b><u>B. TRAVEL AND TRAINING</u></b>	<b><u>APPROVED BY:</u></b>
<i>Travel in Washington, Idaho, and Oregon</i>	<p>Division Manager recommends  Department Director approves budgeted travel authorizations.  City Manager approves unbudgeted travel authorizations.  City Manager notified at least 30 days in advance of Department Directors overnight travel when possible</p>
<i>Other Out of State Travel</i>	<p>Division Manager recommends.  Department Director approves budgeted travel authorizations.  City Manager approves unbudgeted travel authorizations.  City Manager notified at least 30 days in advance  when possible</p>
<i>Training &amp; Travel Payments / Expenses</i>	<p>Employee requests</p>
<i>Reimbursement Expense Vouchers</i>	<p>Division Manager recommends  Department Director approves  City manager approves for Department Directors  and advised for Division Managers  Director of Finance &amp; Budget authorizes all payments</p>
<i>Employee Recruitment Expenses</i>	<p>See Municipal Code and Administration Policy regarding reimbursements</p>

**C. FISCAL/FINANCE, PURCHASING & BUDGET**

**APPROVED BY:**

*Requisitions*

Electronically approved through AIMMS or Cayenta

*Purchase Orders*

All P.O.'s over quote limit must be signed by Purchasing Manager or designee, unless waived (refer to Purchasing Procedure Manual for waivers and further details)

*Fiscal Authority*

City Manager -> \$15,000  
Department Director - \$5,000 - \$15,000  
Division Manager - \$0 - \$5,000

*Formal Sealed Bids (for goods and ordinary services)  
Budgeted and Verified*

City Manager approves bid award and signs any resulting contracts and amendments

*Unbudgeted*

Unbudgeted Council approves appropriation, then  
City Manager approves

*Waiver of Bid or Quote Limit*

Purchasing Manager recommends approval  
City Manager approves up to bid limit  
Council approves over bid limit  
If budgeted and verified, after legal review  
City Manager – up to bid limit  
City Council – over bid limit

*Contracts (Professional, Personal, Architect, Engineering, Other Misc. Contracts)*

*Public Improvements / Retainage (Statutorily Controlled) Payments*

Department Director signs materials or services on  
public improvements up to \$10,000 before and after order is placed, or work commences assuming funds are budgeted.  
City Manager - over \$10,000  
City Council – all amounts over \$100,000

*Change Orders*

Department Director - funds are budgeted and verified; then \$10,000 cumulative limit and City Manager notified  
City manager approval – amounts exceeding \$10,000 (cumulative) and all requests outside approved budget

*Surplus*

City Manager declares surplus and approves method of disposal up to \$15,000  
City council declares surplus and approves over \$15,000

*Leases (Property and Equipment)*

If budgeted and verified, after legal review  
City manager approves up to bid limit  
City council approves anything over bid limit

<i>Payroll Registers</i>	Delegated by City Manager to Director of Finance and Budget and/or Payroll Officer
<i>Administrative Budget Transfer</i>	City Manager
<i>Request for Special Use of Capital Outlay</i>	City Manager
<i>All Utility Billings-City Facilities</i>	Director of Finance and Budget
<i>Moving Expenses for Personnel</i>	City Manager
<i>Any Other Interfund Payments Requests (IPR's)</i>	Department/Division Manager
<i>Purchasing and Payment Policy</i>	Director of Finance and Budget with input from Purchasing Manager
<i>Debit Cards</i>	
<i>Credit Cards (Including Purchasing Cards)</i>	
<i>ACH and Electronic (E) Checks</i>	
<i>Cash and Checks</i>	
<i>Electronic Funds Transfer</i>	
<i>Grant Applications</i>	Department Director recommends Director of Finance and Budget notified in advance, in writing City Manager reviews and approves City Council approves when required by funding agency
<i>Grant Received</i>	Department Director recommends Director of Finance and Budget immediately notified in writing City Council approves Delegated to City Manager by City Council
<i>Budgeted</i>	
<i>Unbudgeted</i>	

#### **D. LEGAL OR LEGISLATIVE**

#### **APPROVED BY:**

<i>Request for Ordinance or Resolution</i>	Department Director requests, City Attorney to prepare City Manager notified
<i>Request of Formal Legal Opinion</i>	Department Director requests and City Manager authorizes
<i>Department Contracts (Other Than Bids)</i>	Department Director recommends City Manager / City Clerk sign after Council approval

#### **E. OTHER**

*Modifications to City Owned Facilities/  
Properties and Re-Do of Modifications*

*Use and Assignment of City Vehicles*

#### **APPROVED BY:**

Department Director subject to budget funding  
Over \$10,000 requires City Manager approval

Approved solely by City Manager pursuant to  
past  
practice and administrative code bulletins  
regarding City vehicles

City Manager approvals for actions not referred to above will be considered in  
accordance with applicable policy and procedures.

1. In all instances requiring City Manager approval, the Acting City Manager shall have the authority to approve or act on behalf of the City Manager in their capacity as Acting City Manager.
2. In all instances requiring Director of Finance and Budget approval, the Financial Services Manager shall have authority to approve on behalf of the Director of Finance and Budget, in Director's absence.
3. In all instances requiring Department Directors approval, the presiding judge shall have authority to approve for the Yakima Municipal Court.

#### **Reserve of Approval Authority**

The delegation of approval authority to other officers does not relieve the City Manager of ultimate responsibility. Therefore, should unusual circumstances or conflicts with normal policy or procedures arise concurrence of the City Manager is required.



**DEPARTMENT:** Human Resources

**AUTHORIZED BY:** City Manager / HR Manager

**EFFECTIVE DATE:** 09/08/1981  
**SUPERSEDES:**

**REISSUE DATE:** 11/01/2012

---

***POLICY: EMPLOYEE EVALUATIONS***

**PURPOSE**

Employee evaluations are generally conducted every two months throughout the probationary period and yearly thereafter. When a member of the management team leaves City employment, the successor is often faced with the task of evaluating subordinate employees without direct knowledge of their performance over the immediately preceding months.

The purpose of this policy is to ensure employee evaluations are done in a timely manner when there is to be a change in management to aid the new manager with evaluations.

**POLICY SUMMARY**

Employee evaluations must be conducted by departing management personnel when subordinate employees have not been evaluated within the six months prior to the Manager's departure.

**SCOPE AND APPLICABILITY**

This policy applies to all Department Managers.

**POLICY AND PROCEDURES**

- Department Heads must evaluate all subordinate division managers unless one or more of latter have been hired within the previous three months.
- Division Managers must evaluate all persons they immediately supervise.

Recognizing that a manager may leave under varying circumstances, the special evaluations required by this memorandum will be considered advisory only to the succeeding person, and shall be retained only until the next regular evaluation and then removed. It is not the intent of this program to create a hardship or cause stress to our employees. Rather, it is intended to be informational and to provide a wider spectrum of knowledge regarding employee performance to new management personnel.



**DEPARTMENT:** Administration

**AUTHORIZED BY:** City Manager

**EFFECTIVE DATE:** 03/25/1977  
**SUPERSEDES:**

**REISSUE DATE:** 11/01/2012

---

***POLICY: HOLIDAYS FALLING ON SATURDAY OR SUNDAY***

**PURPOSE**

In order to provide services to the public when a holiday is observed on a Friday or Monday, a portion of the workforce must take in-lieu holiday time at a later date. The purpose of this policy is to establish procedures for managers concerning how to deal with this issue.

**POLICY SUMMARY**

This policy indicates who has the authority to decide how much staffing is needed, and how to allot time off to personnel who must work during Monday and Friday holidays. Considerations for making these decisions are given.

**SCOPE AND APPLICABILITY**

This policy applies to all department managers and all City personnel, except for Police and Fire.

**POLICY AND PROCEDURES**

Except for Police and Fire employees, the Yakima Municipal Code provides for observing the Friday preceding a Saturday holiday as a holiday. However, in order to provide services for the convenience of the public, a portion of the staff of each department will remain at work on Friday with a later compensatory day off to be granted. The Municipal Code further provides that services may also be provided on a Monday when a holiday falls on a preceding Sunday with similar provisions for a compensatory day off within 30 days.

The following conditions and provisions will guide managers:

1. All offices in City Hall dealing directly with the public will be staffed on Friday. The need for emergency Monday staffing will be determined by the Department Head.
2. If services are not mandatory and the public will not be inconvenienced, other offices or work units not dealing directly with the public may be closed down

entirely on the Friday when the holiday provisions apply. However, where appropriate, emergency service stand-by should be provided.

3. Discretion as to how much staff will be retained on a Friday rests with each Department Head. Again, the consideration is convenience to the public.
4. Employees who are scheduled to work on Saturday or Sunday on which a holiday falls will be paid regular holiday pay or be given equivalent time off. Employees who normally have the Saturday or Sunday off and must work the preceding Friday which is an in-lieu holiday will be granted a day off within 30 days.





DEPARTMENT: Administration

AUTHORIZED BY: City Manager

EFFECTIVE DATE: 02/01/2001  
SUPERSEDES:

REISSUE DATE: 11/01/2012

---

***POLICY: POSITION ELIGIBILITY FOR DEPARTMENT OF  
RETIREMENT SYSTEMS***

**PURPOSE**

The purpose of this policy is to clarify eligibility requirements for employees to be part of the Department of Retirement System.

**POLICY SUMMARY**

This policy sets forth the requirements, by position, for employees to be part of the Department of Retirement System, and includes contribution rules, procedures for participation, and administrative responsibilities.

**SCOPE AND APPLICABILITY**

DRS regulations relate to permanent (regular) positions as well as temporary positions.

**POLICY AND PROCEDURES**

The Department of Retirement Systems (DRS) regulations require that position eligibility for membership in the retirement system be reviewed on a regular basis.

**Summary of Department of Retirement System Eligibility Rules**

- An eligible position is one that ***normally*** requires at least five months each year in which regular compensation is earned for at least 70 hours per month.
- For a new position, the term ***normally*** means a position that requires at least five months at 70 hours for two consecutive years.
- For an existing position, the term ***normally*** means that the position will continue to be eligible if it requires at least five months of 70 or more hours during at least one year in any two-year period.
- The initial determination of eligibility must be based on the position.
- Eligibility can also be determined by person.

- Employees working in more than one ineligible position may be eligible for membership.
- The term ***normally***, as used in the definition of an eligible position, means a position that requires at least five months each year in which regular compensation is earned for at least 70 hours in each of two consecutive years. Once a position is determined to be eligible, it will continue to be eligible if it requires at least five months of 70 or more hours of compensated service during at least one year in any two-year period.
- Position refers to a group of duties and responsibilities normally assigned to an employee. A position may be filled or vacant, full time or part time, seasonal, temporary or permanent.

**All temporary employees will continue to be limited to a maximum of 866 hours in a calendar year as required by the Charter Civil Service Rules and City Charter.**

Division Managers and Department Heads are responsible for determining position eligibility based upon their operational needs. To determine if a position is Retirement System eligible, it is helpful to ask the following three questions:

1. Will the position ever require 70 or more hours of compensated employment in a month?  
  
--If the answer is no, the position is not eligible.  
--If the answer is yes, ask question #2.
2. Will the position ever require five or more months with at least 70 hours of compensated employment per month in a 12-month period?  
  
--If the answer is no, the position is not eligible.  
--If the answer is yes, ask question #3.
3. Will the position normally meet this standard? That is, will the position require five months of 70 hours during each of two consecutive years?  
  
--If the answer is no, the position is not eligible.  
--If the answer is yes, the position is eligible.

**Employee Eligibility for DRS Membership**

All work an employee performs for the City in a given month must be taken into account when determining an employee's eligibility for membership. If the employee's combined hours of employment meet the definition of an eligible position and if this is the employee's normal pattern of employment, the employee is eligible for retirement system membership.

- Example - An employee works 3 months on a full time basis in one department and then transfers to another department and works for 3 months for 80 hours per month.

Explanation - The employee is eligible because they worked for more than 70 hours for five or more months even though both positions are ineligible.

### **Mandatory Contributions to the Department of Retirement Systems**

If any position is Retirement Systems eligible, the City and the employee are responsible for contributions to DRS. An employee is able to withdraw any contributions to the Retirement Systems upon their resignation or termination. All City contributions to the Retirement System are retained by DRS when an employee withdraws their own individual contributions.

### **Administrative Procedures**

All requisition Personnel Action Forms (PA) must include completed PERS Eligibility Worksheets for processing by Human Resources, the City Manager and Payroll. Division Managers /Department Heads are responsible for determining whether or not a position is eligible for DRS membership.

When an employee is hired, it is required that the employee sign the PERS Eligibility Worksheet indicating their understanding that the position is either eligible or ineligible for membership in the Department of Retirement Systems. Further, the employee must document on the same form whether or not they have ever worked before in a position covered by the Department of Retirement Systems.

DRS regulations require the City to maintain copies of all PERS Eligibility Worksheets by position as well as by employee. Therefore, a copy will be filed in the employee's personnel file and a copy will be on file in the Position Eligibility files.

Any questions regarding position eligibility should be directed to Human Resources or Payroll prior to processing requisition Personnel Action Forms.

### **REFERENCE DOCUMENTS**

The following document is related to this policy and may be obtained from the Human Resources Department:

- PERS Eligibility Worksheet



**DEPARTMENT:** Human Resources

**AUTHORIZED BY:** City Manager / HR Manager

**EFFECTIVE DATE:** 11/21/1978  
**SUPERSEDES:**

**REISSUE DATE:** 11/01/2012

---

***POLICY: PROCESSING OF PERSONNEL ACTION FORMS***

**PURPOSE**

The purpose of this policy is to clarify procedures to be followed in completing Personnel Action forms (PA).

**POLICY SUMMARY**

This policy summarizes procedures for completing PA forms for various purposes, including new hires, promotions, personnel changes, and terminations.

**SCOPE AND APPLICABILITY**

This policy applies to all personnel completing Personnel Action forms.

**POLICY AND PROCEDURES**

The Personnel Action form is designed to serve a number of functions.

- A personnel requisition
- A certification list of eligible candidates for City positions
- An indication of a new employee hired with data necessary to place that individual on the payroll
- An indication of employee termination
- A change notice indicating changes in an individual's status

There are a number of events that must occur in sequence in order for the PA to serve the needs for which it is intended. Failure to ensure that the approvals are given prior to the effective date may result in the disallowance of costs to be expended from City funds.

## **Directions**

### **New Hires**

In order for a position, either permanent or temporary, to be filled there first must be a Personnel Action form approved. Sections 1 and 2 are required to be completed. The City Manager will not approve a requisition unless it has been reviewed by the Human Resources. After the department has interviewed the candidates and made a selection, Sections 3, 4 and 6 of the PA are completed.

### **Promotions**

Sections 1, 3, 4, and 5 must be completed with the appropriate signatures in Section 6.

### **Personnel Changes**

Sections 3 and 5 must be completed with the appropriate signatures in Section 6.

### **Terminations**

When a position is vacated within the City, a Termination form must be filled out in its entirety, and returned to Human Resources for final processing. Human Resources will notify the City Manager of all voluntary terminations and in the event of a dismissal, make certain the City Manager approves and signs the PA.

All PA forms will be returned to Human Resources for final review prior to transmitting the document to the Finance Department for inclusion in the payroll as necessary. The Payroll Officer will process the PA and upon completing that action will return the PA to Human Resources for inclusion in the employee's personnel file.

## **SCOPE AND APPLICABILITY**

This policy applies to all City personnel. Directions apply to all Personnel Action and Termination forms.

## **REFERENCE DOCUMENTS**

The following forms relate to this policy and may be obtained in the Human Resources Department:

- Personnel Action Form - Regular Employee
- Personnel Action Form - Temporary Employee
- Termination Form



DEPARTMENT: Community Relations

AUTHORIZED BY: City Manager

EFFECTIVE DATE: 06/16/2010

REISSUE DATE: 11/01/2012

SUPERSEDES: n/a - New Policy

***POLICY: SOCIAL MEDIA*****PURPOSE**

The City encourages the use of social media, where appropriate, to further the goals of the City and the missions of its departments/divisions. The City of Yakima has an overriding interest and expectation in deciding what is “spoken” on behalf of the City through social media. This policy establishes guidelines for the use of social media by City departments/divisions.

**POLICY SUMMARY**

City of Yakima departments/divisions may utilize existing and emerging social media tools to provide information to and interact with the public. Guidelines for acceptable use are given in detail.

**SCOPE AND APPLICABILITY**

This policy applies to all personnel representing interests of the City via the use of Social Media.

**POLICY AND PROCEDURES**

1. Use of any and all social media by City of Yakima departments and/or divisions must receive prior approval from the City’s Community Relations Manager and will be subject to review by the City Manager.
2. The City of Yakima’s website ([www.ci.yakima.wa.us](http://www.ci.yakima.wa.us)) will remain the City’s primary and predominant internet presence.
3. The best, most appropriate City of Yakima uses of social media tools fall generally into two categories:
  - As channels for disseminating time-sensitive information as quickly as possible (example: emergency information).
  - As communications/outreach tools which increase the City’s ability to provide messages to the widest possible audience.

4. Unless otherwise approved by the Community Relations Manager, content posted to official City of Yakima social media sites will first be posted on the City's official website(s).
5. Whenever possible, content posted to official City of Yakima social media sites should contain links directing users back to the City's official website(s) for in-depth information, forms, documents, or online services necessary to conduct business with the City of Yakima.
6. Designated department/division staff will be responsible for the content and upkeep of any official social media sites their department/division may create. All postings and comments made to official City social media sites will be approved by the Community Relations Manager or other assigned managerial staff.
7. Designated City staff will read and understand this policy and have a signed copy of this policy on file.
8. Social media sites currently approved for use by City departments/divisions include:
  - Twitter
  - Facebook
9. Any additional social media sites proposed for City use must be approved by the City's Community Relations Manager prior to activation.
10. Use of official City of Yakima social media sites shall comply with the City of Yakima Charter, the Yakima Municipal Code, and all applicable policies, rules, and regulations of the City of Yakima.
11. Official City of Yakima social media sites are subject to State of Washington public records laws. Any content maintained in a social media format that is related to City business, including a list of subscribers and posted communication, is a public record. The department/division maintaining the site is responsible for responding completely and accurately to any public records request related to the City's use of social media. Content related to City business shall be maintained in an accessible format so that it can be produced in response to a request. Whenever possible, such sites shall clearly indicate that any content posted or submitted for posting is subject to public disclosure. Users shall be notified that public disclosure requests must be directed to the City's Public Disclosure Officer.
12. Washington State law and relevant City of Yakima records retention schedules apply to social media formats and social media content. The department/division maintaining a site shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on a City server in a format that preserves the integrity of the original record and is easily accessible.
13. Official City of Yakima social media sites shall include notification to site users/visitors that the following content will not be allowed on the site:
  - Comments not topically related to a particular social media thread

- Comments in support or opposition to political campaigns of any kind
- Profane language or content
- Content that promotes, fosters, or perpetuates discrimination of any kind
- Sexual content or links to sexual content
- Solicitations of commerce
- Conduct or encouragement of illegal activity
- Information that may tend to compromise the safety and/or security of the public and/or public systems
- Content that violates a legal ownership interest of any other party
- Any content removed based on these restrictions must be retained, including the time and date of the posting and the identity of the poster (if available).

14. The City of Yakima reserves the right to restrict and/or remove any content posted to official City of Yakima social media sites that it deems to be in violation of this Social Media Policy or other applicable law, rule, or regulation.

15. City employees and/or elected officials are prohibited from disclosing any information via social media posts that may be confidential or may otherwise compromise the City.

16. Only official City social media sites may be used by City employees and/or elected officials to conduct official City business.

17. City employees and/or elected officials are discouraged from using personal equipment and/or personal accounts to post information to official City social media sites. City employees and/or elected officials are similarly discouraged from using personal equipment and/or personal accounts to post information regarding official City business on other social media sites. All social media site posts by City employees and/or elected officials regarding official City business are subject to Washington State public disclosure laws, open meetings laws, and all other applicable laws, rules, and regulations.

18. Personal and/or private use of City equipment and/or facilities by City employees, elected officials, or others to access social media sites is prohibited.

19. This policy may be amended as necessary by approval of the City Manager.

20. This policy applies to all City of Yakima departments, divisions, and employees.

## **DEFINITIONS**

Social media is broadly defined as internet-based communications technology that provides immediacy, interactivity, and the sharing of information across multiple platforms.



## ATTACHMENTS

Attachment A	Tips for Using Social Media Sites
--------------	-----------------------------------

### Tips For Using Social Media Sites

**Be Cautious** - If you are about to post information that makes you even the slightest bit uncomfortable, pause and think about it. Be smart about protecting sensitive and/or confidential City information, as well as your own privacy. Remember that what is posted via social media is widely accessible, not easily retractable, subject to scrutiny, and will be around for a long time.

**Post Only What You Know** - Make sure that what you post regarding official City business falls into your specific area of expertise. Don't post about City business that you are not involved in. There are too many opportunities for misperceptions to be created if you post on subjects that you aren't completely familiar with.

**Avoid Personal Posts About City Business** - In the social media environment, the lines between public and private, personal and professional are easily blurred. As referenced in the City of Yakima Social Media Policy, City employees and/or elected officials are discouraged from using personal equipment and/or personal accounts to post information about City business on either official City social media sites or other social media sites. Doing so too easily opens the door to others perceiving personal posts as representing the official position of the City. Keep in mind that even if you are posting about City business using personal equipment or a personal account, what you say is subject to public disclosure laws, open meetings laws, and all other applicable laws, rules, and regulations.

**Be Honest and Straightforward** - All posts should be accurate and should avoid being misleading in any way. Present information in posts as simply as possible. Posts that are brief and to the point leave less room for misinterpretation. If you happen to post information that misses the mark, be quick to point it out and correct it.

**Stick To the Facts** - Post information that is based on your knowledge, rather than your opinion. Whenever possible, reference information that is available on the City's website or is otherwise easily accessible. By sticking to the facts, you will be seen as an unbiased, trusted source of information about City business.

**Know the Rules** - Make sure that what you post complies with the City of Yakima Social Media Policy and all other applicable laws, rules, and regulations. If you have questions about using social media, check with the City's Community Relations office. Remember that whatever you post to social media sites is ultimately your responsibility.



DEPARTMENT: Purchasing

AUTHORIZED BY: City Manager, Purchasing Mgr

EFFECTIVE DATE: 1/6/2009  
SUPERSEDES:

REISSUE DATE: 11/01/2012

---

***POLICY: DISPOSAL OF SURPLUS PROPERTY  
OTHER THAN REAL ESTATE***

**PURPOSE**

The City has the statutory authority to dispose of property under RCW 35.22.280(3) and City of Yakima Municipal Code, as currently enacted and hereinafter amended. The purpose of this policy is to establish procedures for disposition of property, other than real estate, which is surplus to the needs of the City.

**POLICY SUMMARY**

This policy specifies who is responsible for the administration of the policy, procedures for determining the value and for distribution or disposal of surplus property, restrictions, and statutory exceptions and requirements.

**SCOPE AND APPLICABILITY**

This policy applies to all City officials and employees of the City of Yakima.

**POLICY AND PROCEDURES**

**Responsibility for Administration**

The City of Yakima Purchasing Division is responsible for the administration of this policy. The Purchasing Division shall coordinate the disposition of surplus property, and shall aid the City Manager in determining the best method of disposal. The Purchasing Division shall dispose of the property in the manner specified, and shall ensure that net proceeds are deposited with the Treasurer's Office and distributed as revenue to the appropriate fund(s). Any cost incurred in the sale of surplus property shall then be paid from the receiving fund (i.e., auctioneer commission, advertising, etc.). Any cost incurred in the disposition of property shall be paid by the responsible department/division (i.e., recycling fees, transportation charges, etc.).

**Determination of Value**

A department/division wishing to dispose of a single item of surplus property, or a group of items, shall make an estimate of the reasonable market value in "as is, where is"

condition. If the department/division cannot make the estimate, the Purchasing Division shall determine the reasonable market value.

The Washington Supply Chain Management Manual: Section 3.7 through 3.7.4 – Used Item Management, may be used as a guide to determine whether it is suitable to keep or to dispose of used property.

When disposal is made to the general public through sealed bid or auction, final determination of value shall be the highest responsible bid or offer.

Where the Purchasing Division determines that specific supplies or equipment are of minimal value to the City due to spoilage, obsolescence or other cause or where the Purchasing Division determines that the cost of disposal of such supplies or equipment would exceed the recovery value, the Purchasing Division shall dispose of the same in such a manner as he or she deems appropriate and in the best interest of the City.

### **Initial Procedure**

- The City department/division responsible for property it wishes to declare surplus shall provide the Purchasing Division with a detailed written description of the subject property, its location, condition and estimated value. The Purchasing Division shall then determine if any other City department/division has use for the property.
- If another department/division has use for the property, the Purchasing Division shall facilitate the transfer of ownership.
- All departments/divisions, excluding Police and Fire, wishing to transfer or dispose of surplus vehicles/rolling stock shall first make arrangements with the Equipment Rental Division's Fleet Manager. For all departments/divisions, vehicle replacement must be approved in the department/division's annual equipment replacement fund budget. All vehicles identified as needing replacement will be declared surplus when the annual equipment replacement fund budget (ERF) is approved. Departments/divisions must list the asset numbers of the vehicles scheduled to be replaced.
- All fixed assets being transferred or disposed of shall be reported to the Department of Finance and Budget as required by City of Yakima Administrative Code Ch. 1.18.080.
- If no other City department/division has use for the property, the following procedures shall apply:
  - Items that are unusable, obsolete, broken and would reasonably be considered garbage may be disposed of or recycled in an appropriate and legal manner.
  - If the estimated value of the surplus property is \$15,000 or less, the City Council shall delegate authority to the City Manager who may authorize disposal of the property in any manner deemed to be in the City's best

interests without reporting the matter to the City Council. The property will be disposed of in one of the specifically approved methods listed herein below.

- Public or web-based (online) auction;
  - Solicitation of written bids;
  - Trade-in;
  - Return to manufacturer for buy-back or credit;
  - Transfer to another agency of government at “full value” as required by RCW 43.09.210 and defined by AGO 1997 No. 5;
  - Public yard sale;
  - Selling raw materials, such as metal, for scrap;
  - Donation to a qualified non-profit organization;
  - Recycling; or
  - Such other method as authorized by City Council.
- If the surplus property has an estimated value of \$15,000 or more, the surplus property’s disposition must be approved by the City Council.

### **Restrictions**

City employees shall not directly or indirectly use, take, or dispose of City property other than in their official duties. This includes, but is not limited to, uniforms, supplies, tools and vehicles. Items owned by the City found to be unfit for further service on the job shall be turned in to a designated point within the department. As the numbers of items turned in justifies, they will be declared surplus and sold or disposed of pursuant to the procedures contained herein. No City owned item shall be turned over to an individual (employee or other person) for his/her personal use.

Employee and retired employee associated organizations shall not request and will not receive any preferential treatment in the disposal or sale of City surplus material unless authorized by the City Manager.

Under the terms and conditions of the Yakima City Charter, City officials and employees are prohibited from purchasing City surplus items directly or otherwise as a buyer or buyer’s agent.

### **Statutory Exceptions & Additional Requirements**

Disposal by the Police Department of unclaimed and seized property and abandoned junk motor vehicles shall be governed by the Revised Code of Washington and City of Yakima Municipal Code as currently enacted.

If the asset proposed as surplus is evidence released by the Court, seized assets or unclaimed property, the City Manager or designee shall review the appropriate statutes prior to asking the City Council to declare it surplus.

If the value of the asset is estimated to be more than \$50,000, and if the sale or conveyance is to another governmental entity, the provisions of RCW 39.33.020 shall apply. This includes several requirements, including a public hearing and certain notice provisions.

If the asset was originally purchased for utility purposes, the provisions of RCW 35.94.040 shall apply. This includes several requirements, including a resolution and public hearing.

This policy does not apply to certain personal property acquired under federal grants and contracts, if in conflict with special title provisions contained in such grants or contracts.

Certain City ordinances and provisions of the Revised Code of Washington impose special conditions for the disposition of municipal property. Where necessary, City officials shall comply with those laws, treating them as limited exceptions to this Policy. Exceptions include, but are not limited to, the following, as they may from time to time be amended:

- RCW 35.21.088 - Equipment rental fund
- RCW 35.21.660 through .690, and .725 through .755 - Transfer to municipally chartered corporations
- RCW 35.21.820 – Ride-sharing vehicles
- RCW Ch. 35.94 – Surplus utility property
- RCW Ch. 39.33 and .34 – Intergovernmental agreements; alternate method for intergovernmental disposition of property
- RCW 46.52.145 – Disposition of abandoned junk motor vehicles
- RCW 46.55.230 – Junk vehicles – Removal, disposal, sale – Penalties – Cleanup restitution payment

## **DEFINITIONS**

### *Qualified Non-Profit Agencies And Organizations –*

- State Agencies (including universities and colleges).
- Any other tax-supported educational agencies.
- Tax-supported agencies, municipalities, or political subdivisions within the State of Washington.
- Public benefit nonprofit corporations (501c3).
- Qualified emergency shelters providing assistance to homeless persons.

*Surplus* – Any tangible personal property owned by the City, which is not needed at present, or for the foreseeable future, or that is no longer of value or use to the City.

## **REFERENCE DOCUMENTS AND PROCEDURES**

Resolution No. R-2009-01 – Surplus Authorization Policy

RCW 35.22.280(3) – Specific powers enumerated

RCW 42.23.030 – Interest in contracts prohibited – Exceptions

RCW 43.19.1919 – Surplus personal property – sale, exchange – Exceptions and limitations

RCW 43.19.19191 – Surplus computers and computer-related equipment – Donation to school districts or educational service districts

RCW 43.19.1920 – Surplus personal property – Donation to emergency shelters

RCW 35.94.040 – Lease or sale of land or property originally acquired for public utility purposes

Washington Supply Chain Management Manual: Section 3.7 through 3.7.4

Washington State Constitution Article VIII, 7 – Credit not to be loaned

City of Yakima Legal Opinion – Surplus Property Disposal – 08/26/1985

City of Yakima Legal Opinion – Disposal of Surplus Property- 02/24/1994

MRSC – Municipal Research and Services Center of Washington: Sample Disposal of Surplus City Assets Policy

MRSC – Statutes – Sale of Surplus City Property

City of Bellingham Policy – ADM 10.07.01: Disposal of Surplus Property other than Real Estate

City of Kennewick Policy – 17-04-140: Surplus Property

Resolution No. 08-04: A Resolution of the Board of Directors of the Snohomish County Public Transportation Benefit Area Corporation (SCPTBAC, DBA Community Transit) which authorizes the Chief Executive Officer to donate surplus property to qualified organizations as an alternate means of disposal

AGO 1997 No. 5 Relationship of Intergovernmental Disposition of Property Act to RCW 43.09.210

RCW 39.33.010 – Sale, exchange, transfer, lease of public property authorized

RCW 39.33.020 – Disposal of surplus property –Hearing—Notice

WAC 236-48-190 – Surplus Property Disposal Priorities



**DEPARTMENT:** Administration

**AUTHORIZED BY:** Interim City Manager

**EFFECTIVE DATE:** 07/27/2011

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:** n/a – New Policy

---

***POLICY: E-VERIFY***

**PURPOSE**

The purpose of this policy is to ensure that all who contract with the City employ only individuals who are legally employment eligible, and to ensure that the City's own employees are legally employment eligible.

**POLICY SUMMARY**

This policy specifies E-Verify application requirements, tracking and enforcement procedures, case-by-case waivers, notices of participation, and contract language.

**SCOPE AND APPLICABILITY**

This policy applies to all contractors or business entities that contract with the City for the award of any City contract for public works within specific dollar guidelines.

**POLICY AND PROCEDURES**

The City requires that all contractors or business entities that contract with the City for the award of any City contract for public works in excess of Five Thousand Dollars (\$5,000), or any other city contract in excess of Two Thousand Five Hundred Dollars (\$2,500), enroll in the E-Verify program or its successor, and thereafter to verify its employees' proof of citizenship and authorization to work in the United States. E-Verify will be used for newly hired employees during the term of the contract ONLY: it is NOT to be used for existing employees.

The basis for this policy is the Federal Immigration, Reform and Control Act of 1986, as amended.

**Application of E-Verify Requirements**

The City Manager or designee shall oversee the City's participation in the E-Verify program, ensuring that the contracting protocols contained in this policy are followed, and further ensuring that newly hired City employees are screened through the program.

As a condition for the award of any city contract for public works in excess of Five Thousand Dollars (\$5,000) or any other City contract in excess of Two Thousand Five Hundred Dollars (\$2,500), the contractor shall enroll in the E-Verify program or its successor, and thereafter shall provide the City documentation affirming its enrollment and participation in the program. The conditions of this section shall not apply to contracts that:

1. Are only for work that will be performed outside the United States;
2. Are for a period of performance of less than thirty days; or
3. Are only for:
  - a. Commercially available off-the-shelf items (COTS) as defined by federal law;
  - b. Items that would be COTS items, but for minor modifications;
  - c. Items that would be COTS items if they were not bulk cargo; or
4. Provide commercial services that are:
  - a. Part of the purchase of a COTS item (or an item that would be a COTS item, but for minor modifications);
  - b. Performed by the COTS provider; and
  - c. Are normally provided for that COTS item.

Contractors shall be required to continue participation in the E-Verify program throughout the course of their business relationship with the City.

If a contractor uses a subcontractor whose work in connection with the performance of the contract would be subject to the conditions delineated above were the contract to be with the City of Yakima, the subcontractor shall certify to the contractor that the subcontractor has registered and is participating in the E-Verify program and will not knowingly employ or contract with an unauthorized alien.

The City shall include specific written notice in all requests for bids or proposals subject to this section that contractors may be required to enroll in the E-Verify program as a condition of award. Contractors are exempt from this section if they received requests for bids or proposals not containing such notice.

Nothing provided in this section or any City ordinance, rule or policy shall relieve contractors otherwise subject to federal E-Verify requirements from complying with the requirements of federal law.

The City shall screen all newly hired permanent, seasonal, and temporary employees in accordance with Human Resource Division procedures within three working days after reporting for work.



## **Tracking and Enforcement of E-Verify Contract Terms**

Compliance Declarations (See Attachment A) shall be completed before performance of applicable contracts. The City/County Purchasing Manager or designee shall maintain and track non-capital contract declarations over Seven Thousand Five Hundred Dollars (\$7,500). Each Department shall maintain and track its own discretionary contracting between Two Thousand Five Hundred Dollars (\$2,500) and Seven Thousand Five Hundred Dollars (\$7,500). The Engineering Department shall maintain and track its capital contracts over Seven Thousand Five Hundred Dollars (\$7,500). Departments shall scan Compliance Declarations and file them electronically in the "E-Verify" folder under Network Systems.

The City may suspend a contract with any business entity or contractor that the United States Attorney General or the Secretary of Homeland Security has found to have been in violation of 8 USC 1324(a) should the business entity or contractor fail to correct the violation within thirty business days of receiving notice of the violation from the United States Attorney General or the Secretary of Homeland Security.

The City shall not suspend the contract of any business entity or contractor if, prior to the date of the violation, the business entity or contractor verifies the work authorization of any alleged unlawful workers using the E-Verify program and demonstrates the same to the City.

These procedures shall ensure that no business engages in discrimination based on national origin, ethnicity, race or any other classification deemed suspect by the City or any agency thereof.

## **Waiver of Requirements**

The City Manager, with Council approval, may waive these requirements, exclusive of applicable federal provisions, on a case-by-case basis.

## **Notice**

The City shall post Department of Homeland Security provided notices of participation in the E-Verify program in English and Spanish, as well as the Office of Special Counsel for Immigration-Related Unfair Employment Practice provided Right to Work poster, in plain view outside of the Human Resources Office, as well as a participation statement on the City's web site.

## **Language to be added to all contracts:**

Compliance with Immigration and Naturalization Act:

The City of Yakima supports the Federal Immigration, Reform and Control Act of 1986, as amended. The City requires that all contractors or business entities that contract with the City for the award of any City contract for public works in excess of Five Thousand Dollars (\$5,000), or any other city contract in excess of Two Thousand Five Hundred Dollars (\$2,500), enroll in the E-Verify program or its successor, and thereafter to verify

its employees' proof of citizenship and authorization to work in the United States. E-Verify will be used for newly hired employees during the term of the contract ONLY: it is NOT to be used for existing employees.

The Contractor must remain enrolled in the program for the duration of the contract and be responsible for verification of every applicable subcontractor. The contractor shall sign and return with their bid response the E-Verify Declaration. Failure to do so may be cause for rejection of bid.

## **DEFINITIONS**

- “Business entity” means any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit, with the City. The term “business entity” shall include, but not be limited to, partnerships, corporations, contractors, subcontractors and vendors doing business with the City.
- “Contractor” means a person, employer, or business entity that enters into a contract or an agreement with the City to perform any service or work or to provide a certain product in exchange for valuable consideration. For purposes of this chapter, the term “contractor” shall not include government agencies; legal, architectural, and engineering service providers; those whose contracts would be exempt from competitive bidding under City ordinance; contracts issued under City ordinance; those whose supplies and services are purchased under City ordinance; regulated providers of architectural, legal, engineering, insurance, bonding, banking, or investment services; or public utilities.
- “E-Verify” is the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, Pub. L. No. 104-208, Division C, Title IVY s. 403(a), as amended, and operated by the United States Department of Homeland Security, or a successor electronic verification of work authorization program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work authorization status of newly hired employees pursuant to the Immigration Reform and Contract Act of 1986, Pub. L. No. 99-603.
- “Unauthorized alien” means a person who is unauthorized to be lawfully employed in the United States, pursuant to 8 USC 1324a(h)(3). The City shall not conclude that a person is an unauthorized alien unless and until an authorized representative of the City has verified with the federal government, pursuant to 8 USC 1373(c), that the person is an unauthorized alien.

## **REFERENCE DOCUMENTS**

- E-Verify Compliance Declaration



DEPARTMENT: Finance

AUTHORIZED BY: Finance Director

EFFECTIVE DATE: 10/30/01

REISSUE DATE: 11/01/2012

SUPERSEDES: 04/28/1993

---

***POLICY: PETTY CASH REIMBURSEMENT***

**PURPOSE**

The purpose of this policy is to ensure quick repayment to City employees and eliminate the timely and expensive process of using personal expense vouchers for every small out-of-pocket expense.

**POLICY SUMMARY**

This policy specifies dollar limits for Petty Cash reimbursements, forms to be used for reimbursement, and personnel designated to authorize petty cash disbursements.

**SCOPE AND APPLICABILITY**

This policy applies to all personnel requesting petty cash reimbursements.

**POLICY AND PROCEDURES**

Miscellaneous expenses, including travel and meal expenses, paid by City employees, up to and including \$100.00, shall be reimbursed by petty cash. Payment for minor travel expenses requires a signed travel authorization form. The employee shall complete the petty cash voucher form (sample attached – Attachment A), obtain the necessary signatures, and attach receipts (not required for meals). The form shall then be submitted to the division's petty cash clerk.

**Guidelines for advanced petty cash disbursement:**

- Advanced petty cash disbursement will be allowed for services (i.e. recording documents) or for supplies upon completion of the appropriate form (Attachment B).
- Advanced payment for minor travel expenses (including meals) requires an approved travel advance form.
- All receipts must be returned within 24 hours.

**Guidelines for signatures:**

Division managers sign for expenses up to \$100.00, excluding travel and meal expenses.

Department heads sign for all approved travel and meeting expenses and division manager miscellaneous expenses.

Department head expenses do not require the signature of the City Manager; however, the City Manager shall be provided with a memo outlining expenses reimbursed to department heads.

**REFERENCE DOCUMENTS AND PROCEDURES**

City of Yakima Administrative Code 1-1900, Travel and Reimbursement Policy, (formerly FB 300, Travel and Reimbursement Policy, 8/1/1996).

The following forms are related to this policy:

- Petty Cash Voucher Form
- Advance Petty Cash Expenditure Authorization

**ADMINISTRATIVE POLICIES**

**REISSUED POLICY NUMBER: 3-400**

**FORMER POLICY NUMBER: FB 500**



**DEPARTMENT:** Purchasing

**AUTHORIZED BY:** City Mgr / Purchasing Mgr

**EFFECTIVE DATE:** 06/01/2006

**REISSUE DATE:** 11/01/2012

**SUPERSEDES:**

***POLICY: PROCUREMENT CARDS***

**PURPOSE**

The Procurement Card is available to make purchases up to the small purchase limitation set forth in the City of Yakima Purchasing Procedure Manual, revised November, 2008. Its primary use is to supplement the use of petty cash, purchase orders, delivery orders and blanket contracts, and to pay for authorized purchases of expendable supplies and travel of less than \$7,500.

**POLICY SUMMARY**

This policy specifies appropriate uses of procurement cards, user authorization, responsibilities of card users, procedures for setting up accounts, approved uses, training, documentation, reporting, reconciliation, and payment procedures as well as other pertinent information regulating use of these cards.

**SCOPE AND APPLICABILITY**

This policy applies to all City personnel who use or provide support for the use of procurement cards.

**POLICY AND PROCEDURES**

**Limited Use**

The City of Yakima Procurement Card is a commercial credit card to be used specifically for purchasing goods, travel and services for the City of Yakima. VISA cards are for official Government use only. VISA cards may not be used for personal purchases. Contract user must read and be familiar with the provisions of the Ethics in Public Service Law, chapter 42.52 RCW. In addition, special attention should be paid to RCW 42.52.160 (Use of Persons, Money or Property for Private Gain) and also to WAC 292-110-010 (Use of State Resources). Card Users that improperly use a VISA card may be subject to prosecution and penalties to the full extent provided for by law.

**Procurement Card Program Responsibilities**

#### *Director of Finance*

- Maintains overall responsibility for the City of Yakima Procurement Card Program.

#### *Program Administrator (Purchasing Manager)*

- Assigned by the City Manager.
- Administers the Program, including training, card distribution and audit of Purchasing Procedures.
- Serves as the Disputes Official.
- Primary point of contact with the State of Washington and the Card Provider.

#### **Finance Department**

- Processes payment to the Card Provider.
- Maintains required accounting records in conjunction with the Department or Division.

#### *Approving Official (Usually AIMMS Buyers)*

- Certifies purchases for payment on the Monthly Statement.
- Cardholders cannot be their own Approving Official. If required to avoid statement processing delays and late payment penalties, an alternate Approving Official may be designated.
- Has authority to request the Program Administrator to instruct Card Provider to cancel a card at any time.

#### *Cardholder*

- Sole user of their card.
- The Procurement Card bears this person's name and may only be used by this individual to pay for authorized purchases in compliance with City of Yakima policies, procedures and regulations.
- Documents all use of their card on the "Procurement Card Transaction Log" (Attachment A).
- Upon receipt of their Procurement Card, Cardholder shall sign an "Acknowledgement of Receipt of Corporate Procurement Card" form (Attachment B), which shall be retained by the Program Administrator.
- Verifies receipt of all purchases either on the Monthly Statement or on-line.

- Upon receiving training, Cardholder shall sign a “Procurement Card Agreement” form (Attachment C), which shall be retained by the Program Administrator.

### **Setting up an Account**

In order to set up a Procurement Card account, Department Heads or their designees must first justify the use of a Procurement Card by providing the following in writing to the Program Administrator (Purchasing Manager).

- Identify a recurring need to purchase over-the-counter supplies, non-personal services, and/or travel – fully describe the types of purchases intended to be made.
- Designate the proposed Cardholder(s) and Approving Official or alternate – identify their full names, job titles, telephone numbers.

Upon receiving an account request, the Program Administrator will coordinate with the Finance Department to establish an appropriate account code structure.

### **Purchasing Authority**

The Purchasing Manager has been delegated unlimited Contracting Officer authority to make purchases on behalf of City of Yakima.

The Purchasing Manager, in the capacity of Contracting Officer, may delegate certain individuals authority to act as a representative of the Contracting Officer, thereby allowing them to place orders within the single purchase transaction limit.

The Purchasing Manager shall:

- Delegate in writing purchasing authority to individuals who need such authority to make Procurement Card purchases.
- Delegation shall be in accordance with Small Purchase limits set forth in City of Yakima Purchasing Procedure Manual.
- Cardholders shall not be delegated authority to use the Procurement Card for transactions over the single purchase transaction limit of seven thousand-five hundred dollars (\$7,500), inclusive of tax, freight and any handling fees.

### **Training**

The Program Administrator (or her designate) shall be responsible for coordinating training based upon Program needs. The Program Administrator will also retain all necessary documents in accordance with retention requirements, including training records, authorization records and related data.

Prior to the issuance of a City of Yakima Procurement Card, each prospective Cardholder must first receive training.

- Training Orientation – Each prospective Cardholder, Approving Official, Supervisor and any other personnel who will participate in or administer the Purchasing Card program must first receive orientation in the following subject areas:
  - Procurement Card Program overview.
  - Purchasing Procedure Manual refresher.
- Training Documentation – Completion of training must be documented as follows:
  - Name and signature of the instructor.
  - Names and signatures of Cardholders and Approving Officials.
  - Topic(s) covered.
  - Date training was held.

Cardholders shall be retrained if their Procurement Card account is inactive for at least six (6) consecutive months, or as otherwise determined by the Program Administrator or the Approving Official. Inactive cards will also be evaluated for continued usage.

### **Pre-Set Limits**

Use of the Procurement Card is subject to the following pre-set limits:

- Single Purchase Limit: The limit established for each account that no single purchase may exceed. This limit on purchasing authority is delegated to the Cardholder by the Program Administrator. This limit cannot be exceeded unless a revised delegation of authority is issued to raise the limit. A “single purchase” may include multiple items purchased in a single transaction.
- Spending Limit Per Cycle: The budgetary spending limit imposed by the Approving Official on cumulative Cardholder purchases in a given month. The total cumulative dollar value of Cardholder purchases for any single month shall not exceed this limit. It is the sum of unbilled prior month purchases, prior month disputed payments carried forward, plus current month purchases.
- Merchant Category Code(s): Codes established on the account, which define the type of merchant from which a Cardholder may purchase certain types of goods and/or services.
- Authorizations/Transactions: The number of transactions allowed on an account per billing cycle, as well as, the number of authorizations per day.

### **Funding Card Accounts**

The Finance Department, via the Program Administrator, shall authorize card accounts by jointly issuing an authorization letter with the requesting Department.



## **Authorized Use**

The Procurement Card shall have the Cardholder's name embossed on it, can only be used by that person and shall be designed to avoid being mistaken for a personal credit card.

Before using the Procurement Card, the Program Administrator (or her designate) shall determine the correct authorization codes in conjunction with the Cardholder's Approving Official. Proper code authorizations and purchasing limitations are verified electronically when using the Procurement Card before that transaction is granted.

Before using the Procurement Card, the following conditions must be met:

- Purchases must be authorized – *without exception* the Procurement Card shall only be used to pay for authorized City of Yakima purchases.
- *No cash advances* are allowed through the Procurement Card under any circumstances.
- *No reimbursements* are allowed through the Procurement Card to City of Yakima employees who use their personal cash or credit card(s) for travel or meeting expenses, or to make purchases for the authority.
- Purchases shall not exceed the single purchase limit – A single purchase may include multiple items and still be within the single purchase limit. Cardholders are required to know the authorized limits of their card.
- Purchases shall not be split to stay within the single purchase limit. If the dollar amount of a purchase will exceed the single purchase limit, a Purchase Order shall be used instead of the Procurement Card.
- No back ordering or split shipments are allowed; purchases must be immediately available. No advanced payments are allowed for goods not received.
- Cardholders shall keep a receipt and log of all purchases made with the Procurement Card.

Use Verbal Purchasing Procedures if:

- Placing an order in person or by telephone.
- Supplies, non-personal services and/or travel can be described in sufficient detail so there is clear understanding of what is being purchased.
- Delivery is in a single shipment. Again, no back ordering or split shipments are allowed.
- Telephone order may be placed outside the local area provided they comply with the requirements of this manual.

## **Unauthorized Use**

Unauthorized use occurs when:

- A person other than the cardholder uses a Procurement Card.
- That person has no actual, implied, or apparent authority from City of Yakima for such use and from which the Cardholder/Agency receives no benefit.

Unauthorized use may be deemed by the Authority to be a fraudulent/ inappropriate act, and, if so, will result in permanent revocation of Procurement Card use, and may result in disciplinary action or criminal prosecution. Disciplinary actions will be processed in accordance with established personnel policies and/or collective bargaining agreement, and Criminal prosecutions will be referred to the Prosecuting Attorney for action.

### **Unauthorized Purchases**

The City of Yakima Procurement Card shall not be used to pay for:

- Purchases, which exceed dollar limits or merchant category code(s) (MCCs) preset for the Procurement Card.
- Goods requiring quality inspection in conjunction with a formal quality program or process.
- Cash advances or reimbursements.
- The following specifically excluded Goods or Services
  - Motor vehicles – purchase, lease, or repair of rented or leased vehicles.
  - Real property or buildings – purchase, rentals or lease.
  - Weapons or ammunition, except by authorized City of Yakima Police Officers for official duty.
  - Fines or legal fees resulting from traffic or parking violations, or defense against prosecution for violation of any law.

A Cardholder who makes an unauthorized purchase or carelessly uses the Procurement Card may be personally liable for the total amount of the unauthorized purchase, and is subject to disciplinary action. An unauthorized purchase determination may result in permanent revocation of Procurement Card use, and, if such action is deemed by the Authority to be abuse or misuse of the card, may result in disciplinary action or criminal prosecution.

### **Cardholder Procedures**

When using the card ensure that:

- Firm fixed prices are used.
- Free on board (FOB) destination shipping terms apply. Transportation costs must be included in the purchase price.

- Taxes and handling fees, if applicable, are included.
- Proper authorization is provided to the merchant from the card provider.

Obtain the customer copy of the charge slip and ensure that all carbons are destroyed.  
(Not required for telephone orders.)

When placing a telephone order, ensure that:

- Charges will be made only upon shipment or service performance.
- The shipping document or packing slip includes:
  - Cardholder's name and telephone number.
  - Item description, quantity, part number.
  - Full street address, P.O. box, mail code, city, state and zip code where the items are to be delivered.
  - Vendor contact and phone number.
  - The phrase: "City of Yakima Procurement Card". This information will alert Receiving and the Cardholder that the supplies have been purchased with a City of Yakima Procurement Card.

## **Documentation, Reconciliation, Reporting and Payment**

### *Daily*

For over-the-counter purchases, the Cardholder shall:

- Retain the customer copy of the charge slip.
- Ensure that all carbons are destroyed.
- Obtain an itemized receipt.

If there are errors on the sales receipt:

- Within one (1) workday, notify the Approving Official and the merchant.
- Request a corrected sales receipt from the merchant.
- If the Merchant refuses to provide a corrected sales receipt, complete a "Procurement Card Disputed Item Statement" form (Attachment E), and forward copies to the Approving Official and Program Administrator.

Retain copies of original sales receipts, charge or credit slips, etc.

For telephone purchases, enter the following in the "Procurement Card Transaction Log" (Attachment A):

- Date of Purchase.
- Name of Merchant / Type of Goods or Services being purchased.
- Total price of the purchase.
- Document reference numbers. (e.g. invoice or sales slip number)
- Attach order confirmations, shipping documents, etc.

### *Monthly*

The following Reports will be submitted monthly by the Card Provider:

<b>Report</b>	<b>Submitted To</b>
<i>Statement of Account</i> – a listing of all purchases, credits and other transactions made by the Cardholder during the previous billing cycle.	<i>Cardholder</i>
<i>Master Account Summary</i> – a summary sheet for all statements of account to which the official has approving authority.	<i>Approving Official (usually AIMMS Buyers)</i>
<i>Statements of Account</i> – a copy of all statements for each Cardholder.	<i>Approving Official (usually AIMMS Buyers)</i>
<i>Summary/Statement of Account</i> – summary data for each Cardholder and Approving Official.	<i>Financial Department</i>
<i>Other statements</i> – reports provided as requested by the Program Administrator.	<i>Program Administrator</i>

Within three (3) calendar days of receiving the Statement of Account, the Cardholder shall:

- Reconcile the statement by ensuring:
  - All purchases are properly charged.
  - All credits are deducted on returned items for which a credit voucher has been received.
  - All transactions are properly documented and summarized on the log sheet.
- If correct:
  - Make copy and route to Approving Official for Purchase Order creation.
- If no transaction documentation is available:

- Fill out and submit a “Procurement Card Affidavit for Lost Receipt” form (Attachment D).
  - Sign and forward the affidavit to the Approving Official.
  - Retain a copy of the affidavit.
- If there is an error in the statement:
- Complete the “Procurement Card Disputed Item Statement” form (Attachment E).
  - Sign and forward the form to the Disputes Official.
  - Retain copies of all related documents.
- If purchased items or credits do not appear on the Statement of Account:
- Retain original charge slips, order confirmations or any other transaction documentation until the next billing cycle.

Note: If these transactions do not appear on the following monthly statement, the Cardholder or Approving Official shall notify the Disputes Official (Purchasing Manager) to resolve and reconcile the statement.

Within five (5) calendar days of receiving the “Procurement Card Transaction Log” with receipts from the Cardholder, the Approving Official shall:

- Review each Cardholder’s statement.
- Reconcile all Cardholder statements with the “Procurement Card Transaction Log”.
- If correct:
  - Certify approval for payment by noting the following: “Supplies and/or services have been received, each cardholder’s receipts/log reviewed and payment is proper.”
  - Create AIMMS Purchase Order and Dock receipt.
  - Forward certification documentation to the Finance Department.
  - Purchases not received or accepted by the time the Statement of Account is received shall be disputed in accordance with the Billing Errors and Disputes procedures in this manual.

Retain originals of all documentation supporting the Cardholder’s monthly statement. Documentation of purchases made with the Procurement Card shall be retained in accordance with State of Washington records retention procedures. (Note: In order to avoid late payment penalties, it is critical to provide the Finance Department with all invoice documentation.)

Within five (5) workdays of receiving Cardholder statement(s) from the Approving Official(s), the Finance Department shall:

- Reconcile all Cardholder statements with a summary of reports showing all card accounts.
- If all statements are correct, transactions are fully documented and funds are available, transmit a payment to the Card Provider, and adjust any discrepancies on the following month's billing.

#### *Quarterly*

Approving Officials shall review budget authorization for all Cardholder accounts. The Program Administrator (or their designate) shall schedule a desk audit of all accounts. The audit will be documented, all audit reports submitted to the Director of Finance and applicable City of Yakima Audit staff, and retained as applicable.

#### *Annually*

The Director of Finance shall direct an audit of the procurement card program.

#### *Cardholder File Maintenance*

The card holder shall maintain a file containing the following, as a minimum:

- Ordering Authority letter.
- Copy of orientation/training records.
- Copy of the City of Yakima Procurement Card Manual.
- Monthly statement and account summaries.
- Separate files shall be maintained for each fiscal year.

#### *Account Maintenance*

If an account needs to be changed, Cardholders shall:

- Submit account file maintenance forms to the Approving Official for prior approval.
- Forward account maintenance forms to the Program Administrator for processing.

Cardholders must allow ample time to route, mail or fax changes to their accounts and provide copies of file maintenance forms to their Approving Official.

#### *Program Administration File*

The Program Administrator shall maintain a file for all cardholders, consisting of:

- Authorization letters and any changes or modifications.
- Disputes letters.
- Other data as deemed necessary.

## **Billing Errors and Disputes**

If a Statement of Account lists an item or service that has not been received, the Cardholder or Approving Official shall:

- Notify the Disputes Official.
- Complete a Procurement Card Disputed Item Statement form.
- Attach a copy of the form to the Cardholder's statement and forward it to the Program Administrator.

Upon receiving a Procurement Card Disputed Item Statement, the Finance Department shall adjust the Statement of Account.

- If purchased items are found to be defective, the Cardholder shall obtain replacement or correction of the items as soon as possible.
- If the merchant refuses to replace or correct a defective item, the transaction will be considered in dispute and shall be handled in the same manner as described above for billing errors.
- Cardholder shall retain a copy of the completed Statement of Disputed Item form and file it with the monthly Statement of Account.

## **Desk Audit**

Audits include, but shall not be limited to, desk audits, system-wide audits, documentation reviews, investigations, and any other means required to ascertain the efficiency, effectiveness and integrity of the Procurement Card program and any parties involved in either using or administering the program. The Program Administrator will be responsible for continued desk audits of the Procurement Card program. Any and all known violations of City of Yakima policy or abuse or misuse of the Procurement Card shall be reported to the Program Administrator.

## **Contact with the Card Provider**

The Program Administrator is the City of Yakima's primary point of contact with the Card Provider. Cardholders shall not contact the Card Provider, except to report a lost or stolen card. Questions about the City of Yakima Procurement Card program should be directed first to Supervisors or Approving Officials, then to the Program Administrator.

## **Lost or Stolen Cards**

If a card is lost or stolen, the Cardholder shall:

- Immediately call US Bank at the phone number given at the time of training and report the card as lost or stolen.
- Notify the Approving Official within twenty-four (24) hours after discovering the Procurement Card missing.

## **Written Report – Lost or Stolen Cards**

Within one calendar day of being notified of a lost or stolen card, the Approving Official shall submit a written report directed to the Program Administrator. This report must include the following information:

- Procurement Card number.
- Cardholder's complete name as shown on the Procurement Card.
- Date and location of the loss.
- If stolen, date reported to the police.
- Date and time the Card Provider was notified.
- Purchases made on the date the Procurement Card was lost or stolen.
- An explanation of the circumstances surrounding the missing card.
- Other pertinent information.

## **Card Security**

Cardholders shall safeguard their Procurement Card and account number at all times. When the Procurement Card is not being used, it shall be protected in the same manner as cash, and shall not permit anyone to use their Procurement Card or account number. A violation of this trust will result in revocation of the Procurement Card from the Cardholder with the potential for subsequent disciplinary action or criminal prosecution.

## **Interdepartmental Transfers of Cardholders**

If a Cardholder transfers to another City of Yakima department, the Program Administrator shall:

- Deactivate the card immediately, once officially notified of the transfer.<sup>3/4</sup>

**- OR -**

- Coordinate with the new department head to determine whether or not the Cardholder may keep their card, and if so, whether the pre-set limits and account code information need to be changed. A new authorization letter will need to be submitted to the Procurement Card Administrator.

If the Cardholder is not allowed to keep their card, they shall surrender the card to the Approving Official, who will:

- Notify the Program Administrator.
- Destroy the Procurement Card by cutting it in half.



- Complete the cardholders' maintenance form and forward it to the Program Administrator.

The Program Administrator (or her designate) shall forward the maintenance form to the Card Provider via certified US Mail or fax.

If the Cardholder keeps their card:

- The new Approving Official shall submit a written request to the Program Administrator to change the master file. Under no circumstances shall purchases be made until the Finance Department has made funds available.
- The Program Administrator shall submit a request to the Card Provider to:
  - Add the Cardholder to the new Approving Official.
  - Delete the Cardholder from the old file without issuing a new Procurement Card.

### **Administrative Leave or Termination Of Employment**

If a Cardholder is placed on Disciplinary Administrative Leave or their employment terminated, for any reason:, the Cardholder shall promptly surrender their Procurement Card to the Approving Official.

The Approving Official shall:

- Notify the Program Administrator; the card must be canceled within two business days of action.
- Destroy the Procurement Card by cutting it in half.
- Notify the Program Administrator that the card has been destroyed.

The Program Administrator shall forward the Procurement Card Company Record to the Card Provider via certified US Mail or fax.

### **DEFINITIONS**

*Agency or Department Aggregate Limit* – The established credit limit available for each Agency or Department's small dollar purchase activity within a single billing cycle. The standard aggregate limit for each Agency is set at \$50,000 per month. Agencies requiring a higher limit must obtain written approval from the Office of State Procurement.

*Approving Manager* – Individual(s) within the purchaser's organization responsible for designating card custodians and recommending purchasing card limits within their organizations. They will advise custodians of applicable limits and ensure that proper

card usage, security, controls, timely statement reconciliation and approval, retention of transaction documentation and other related procedures are followed.

*Approving Official* – The individual responsible for certifying monthly Statements of Account and directing the activities of Cardholders.

*Card Custodian(s)* – Individuals that are assigned responsibility for card security and use. Custodians may designate employees (purchasers) within their organization to use the Purchasing Card to purchase specific items. Purchasers shall maintain security of the Purchasing Card while in their custody and immediately return the Purchasing Card, charge receipts and sales tickets to the Custodian upon completion of any purchase activity.

*Card Custodian Monthly Spending Limit* – This limit is the maximum dollar amount authorized for a Card Custodian's account within a thirty (30) day period. It is replenished automatically the day after the billing date.

*Cardholder* – The individual to whom a Procurement Card is issued.

*Cardholder Single-Purchase Limit* – This limit restricts the amount of any single purchase made by a cardholder. It can be comprised of single or multiple items purchased at one time at a single supplier.

*Card Provider* – The official contractor for the State of Washington who will maintain the card account; issue cards to Cardholders; send monthly statements to Cardholders, approving officials, and finance offices; pay merchants in a timely manner; and receive reimbursement from the Finance Department.

*Designated Finance Office* – The office designated by the ordering Agency to receive the official invoice and, make payment against the office invoice.

*Dispute* – A disagreement between the Card Custodian and the supplier or merchant regarding items appearing on the Card Custodian's monthly statement of account.

*Disputes Official* – The individual appointed to coordinate and monitor all disputed purchases, credits and billing errors. The individual appointed may have similar or related responsibilities for the card program (such as approving official.) See also Program Administrator.

*Finance Department* – The City of Yakima department responsible for funds availability, making payment to the Card Provider after the Approving Officials certify monthly statements, and maintaining required accounting records.

*City of Yakima Procurement Card* – The official Agency credit card for small purchases. Merchant Category Code (MCC) – A standard code used by Visa to categorize each merchant according to the type of business the merchant is engaged in and the type of goods and services provided. Merchant Category Codes may be used as an authorized activity type code on an individual card to identify those merchants or categories of merchants who provide goods and/or services that are not authorized for that individual card.

*On-Line* – Refers to web-based technology and tools used in Procurement Card management, reporting, payment and related functions.

*Plastic Accounts* – A 16-digit account number and expiration date embossed on a plastic card and issued to an individual City of Yakima employee. In some cases, each account is linked to a specific cost accounting code.

*Political Subdivision* – Any unit of local government in receipt of State funds: e.g., cities, counties, school districts, special purpose districts, local service districts, authorized to purchase under State Agency contracts by virtue of inter-local agreements entered into pursuant to Chapter 39.34 RCW and by the terms of a specific contract.

*Program Administrator* – The individual designated by the City Manager as the official point of contact for the City of Yakima Procurement Card Program. See also Purchasing Card Manager.

*Purchaser* – Purchaser shall mean the State of Washington, the State Agency(ies), authorized political subdivision, or non-profit corporation purchasing the material, equipment, supplies or services. It shall also include institutions of higher education who choose not to purchase independently under RCW 28B.10.029.

*Purchasing Card Manager* – An individual within the purchaser's organization who serves as Purchasing Card System program administrator, and is responsible for providing training, advice, direction, consultation and assistance to Approving Managers and Card Custodians. See also Program Administrator.

*Site Administrator* – An individual assigned as the focal point at the designated department level who will be responsible for assisting the Purchasing Card Manager and Program Administrator with training, card administration and related duties.

*State Agency* – Agency shall include: State institutions, the offices of the elective State officers, the Supreme Court, the Court of Appeals, the administrative and other departments of State government, and the offices of all appointive officers of the State, excluding the legislature. It shall also include colleges, community colleges and universities who choose to use this Purchasing Card service.

*State Procurement Officer* – An individual designated by the State of Washington, Department of General Administration, Office of State Procurement to act on behalf of the State to develop and administer contracts within the limits established by law.

*Statement of Account* – A monthly listing from the Card Provider of all payments authorized for purchases and credit transactions made by the Cardholder and billed by the merchant.

*Unauthorized Purchase* – Purchases which exceed preset dollar limits or are made to vendors outside preset Merchant Category Code(s) (MCCs), or are otherwise indicated in this manual.

*Unauthorized Use* – Use of a City of Yakima Procurement Card by a person other than the Cardholder, who has no actual, implied, or apparent authority for such use.

## **Reference Documents and Procedures**

State of Washington, Ethics in Public Service Law, RCW 42.52

State of Washington, Use of State Resources, WAC 292-110-010

City of Yakima Purchasing Procedure Manual, revised January 2000

City of Yakima Administrative Code, Travel and Reimbursement Policy

State of Washington, Charge Card Services, Contract 04298

The following forms are related to this policy:

- Procurement Card Transaction Log
- Acknowledgement of Receipt of Corporate Procurement Card
- Procurement Card Agreement
- Procurement Card Affidavit for Lost Receipt

**ADMINISTRATIVE POLICIES**

**FORMER POLICY NUMBER: FB 305**



---

**DEPARTMENT:** Finance

**AUTHORIZED BY:** City Mgr / Finance Director

**EFFECTIVE DATE:** 10/4/2006

**REISSUE DATE:** n/a

---

***POLICY: BANK CREDIT CARDS***

Policy is Attached



**DEPARTMENT OF FINANCE & BUDGET**  
**129 North Second Street**  
**Yakima, Washington 98901**

**Date:** 10/4/2006

**To:** All City Employees

**From:** Dick Zais, City Manager  
Rita DeBord, Finance Director

**Re:** **Bank Credit Card Policy (FB 305)**

---

The City's Bank Credit Card Policy, enclosed, is effective as of today, October 4, 2006, and has been assigned number FB305 in the City's Administrative Code.

All users of a City credit card should read this policy carefully prior to any future use of, or charging to, a City credit card. All users/holders of a City credit card will be required to sign the "Bank Card Check-Out / Check-In Log" (see attachment II) acknowledging their understanding of and agreement to abide by this policy, prior to using a City credit card after this date.

Any questions regarding this policy should be directed to Rita DeBord, Finance Director.

City of Yakima

# Bank Credit Card Policy

1.0 Purpose .....	1
2.0 References .....	1
3.0 Definitions .....	1
4.0 Authorized Types of Credit Cards and Uses .....	1
4.1 Credit Cards – Bank Card .....	1
4.2 Credit Cards - Suppliers .....	2
4.3 Credit Cards - Procurement .....	2
5.0 Policy – Bank Credit Cards .....	2
5.1 Authorization .....	2
5.2 Uses .....	3
5.3 Payments .....	3
5.4 Responsibilities .....	4
5.5 Policy Waiver .....	8
Attachments:	
I.    Visa Travel Expense Report .....	9
II.   Credit Card Check-out/Check-in Log .....	10

## 1.0 PURPOSE

Credit cards are intended to improve cash management and promote efficiency, flexibility and convenience in securing, reserving and paying for certain business expenditures. The use of credit cards is a customary and economical business practice. The purpose of this policy is to augment existing purchasing and travel policies (refer to policies ADM 200 & FB 300, respectively) and to provide written documentation of the City's Credit Card policy, as required by State regulations.

## 2.0 REFERENCES

RCW 43.09.2855 authorizes local governments to use credit cards for official government purchases and acquisitions. The statute also requires governments to adopt a system to authorize and manage the distribution and use of credit cards and payments thereon.

## 3.0 DEFINITIONS

**Credit Card** - a card or device issued under an arrangement pursuant to which the issuer gives to a cardholder the privilege of obtaining credit from the issuer. There are different types of credit cards utilized by the City; bank, supplier and procurement credit cards. Each type of card has a specific purpose and use (refer to section 4.0 below.)

**Purchase Order** – a purchasers' written/electronic document to a vendor formalizing all the terms and conditions of a proposed transaction, such as a description of the requested items, delivery schedule, terms of payment and transportation.

## 4.0 AUTHORIZED TYPES OF CREDIT CARDS AND USES:

- 4.1 Credit Cards – Bank Card:** Primary purpose of a Bank Credit Card is for the purchase of business meals, travel and travel related expenses (Refer to Travel and Reimbursement Policy for eligible and ineligible expenses). They are not to be considered "procurement", or "purchasing" cards and should only be used for these purposes in the situations when other means of payment are not readily available. A purchase order (PO) is not required when using a Bank Credit Card. The Finance Division will establish, administer and oversee the City's Bank Credit Card Program(s).



- 4.2 Credit Cards - Suppliers:** The primary purpose of a Supplier Credit Card is for the purchase of goods from the card issuer. (e.g., Office Max, Costco). The uses of these types of credit cards *are* subject to the City's purchase order system. This requires the existence of an approved PO prior to charging any supplies or services. The purchasing department will administer the "supplier" credit card program.
- 4.3 Credit Cards – Procurement:** A commercial Credit Card similar to a Bank credit card, but allows for specific and unique restrictions to be applied to each card and/or user. (Can be restricted to purchases from a specific vendor or to specific types of purchases and can be different for each card holder.) The Purchasing department will administer the Procurement Card program. (Refer to the Purchasing Departments Procurement Card Manual for City policy governing use of these cards). A valid purchase order is not necessary when using a procurement card.

## 5.0. POLICY – BANK CREDIT CARDS

### 5.1 Authorization:

- 5.1.1 Only the City Manager and the Director of Finance and Budget, or their designee(s), are authorized to approve new Bank Credit Card accounts to be established and to authorize any changes to existing Bank Credit Card accounts and/or cards.
- 5.1.2 To set up a Bank Credit Card account, obtain additional cards, or make any changes in the existing accounts/cards, such requests must be made by the applicable Department Head and forwarded to the Director of Finance and Budget, or designee, for approval.

### 5.2 Uses:

- 5.2.1 The use of credit cards is strictly limited to city business. Use of City credit cards for personal or other non-business related purposes is prohibited. An employee who misuses a City credit card will lose credit card privileges and will be subject to disciplinary action up to and including termination. In addition, misuse that is deemed to be fraudulent may be

referred to the Washington State Auditor's Office, the Police Department and/or the City's Legal Department for further action.

- 5.2.2 Employees must obtain written travel authorization, per the City's Travel Policy, prior to securing, reserving or paying for outside-the-city travel or lodging costs.
- 5.2.3 Credit cards may not be used by a non-employee.
- 5.2.4 Credit cards *may not* be used to:
  - Obtain cash advances (prohibited by RCW 43.09.2855).
  - Make personal purchases.
  - Accept cash in lieu of a credit to the credit card account.
- 5.2.5 Credit cards should not be used for the purchase of alcohol, and the City will not pay for such purchases, whether related to a business meal or otherwise.

### 5.3 Payments:

- 5.3.1 All credit card expenditures must be approved by the Division Manager and the Department Head prior to being forwarded to Finance (Accounts Payable) for payment.
- 5.3.2 All credit card expenditure reports must include a detailed receipt, which identifies the specific items purchased, for each credit card expenditure transaction. (e.g.: a meal receipt must include a line item identifying each item purchased. One line showing total of all purchases is not sufficient documentation for payment.)
- 5.3.3 Credit card invoices will be submitted promptly to Finance (Accounts Payable) for payment in full to avoid late fees.
- 5.3.4 If disputed charges appear on a billing, the amount in question will be paid, and if, after investigation, the charge is determined to be erroneously charged, the City will request an adjustment on the account.

- 5.3.5 Accounts Payable will forward completed expense reports to the Finance Director for review/approval before processing payment.
- 5.3.6 Employees will be personally responsible to reimburse the City for any improper charges and any fees resulting from late payment of those charges or which result from the late payment of other credit card charges due to the untimely submission of the proper paperwork to support the charges.  
(Refer to Section 5.4.8)

#### **5.4. Responsibilities:**

##### **5.4.1 Director of Finance and Budget** (Finance Director):

- Establishes and oversees credit card program(s) for City.
- Approves credit limits, by department, as determined by demonstrated need, not to exceed maximum limits established by the City and/or the credit card provider.
- Assigns a Credit Card Administrator to oversee (administer) the credit card program.
- Reviews credit card expense reports to ensure proper documentation/authorization of expenditures prior to payment.
- Works with credit card issuer to establish program and resolve issues.

##### **5.4.2 Credit Card Administrator** (assigned by Finance Director):

- Administers the credit card program, including training of other City employees regarding the City's Credit Card policy and procedures, ordering and receiving new credit cards from the credit card provider, distributing cards to the departments, and maintaining authorized lists of Department Heads and Division Managers or designees, Credit Card Custodians, the total number of credit cards assigned to each department, their account numbers and credit limits and any other pertinent information as required by the Finance Director.
- Immediately notifies the Finance Director and the credit card provider of any lost or stolen cards.

**5.4.3 Department Director:**

- Sets department credit limits, subject to approval by the Director of Finance and Budget.
- Assigns a Credit Card Custodian for their department (to maintain control over all cards assigned to the Department – refer to Section 5.4.5.)
- Authorizes credit card users within the department.
- Reviews and approves all credit card expenditures for employees within his/her department.
- Ensures expenditures are for authorized business purposes only.
- Ensures all charges are supported by proper documentation.
- Ensures that credit card spending stays within departmental authorized limits and budgetary constraints.
- Implements appropriate disciplinary actions, consistent with applicable personnel policies, for misuse of credit cards by employees in his/her department.

**5.4.4 Division Manager:**

- Reviews and approves all credit card expenditures of employees within his/her division.
- Monitors all charges for proper use and adherence to City policy and department/division authorizations.
- Ensures that credit card spending stays within authorized amounts and budgetary constraints of the division.
- Responsible to investigate and follow-up on any disputed charges. If determined to be charged in error, Division Manager will follow-up with vendor and/or credit card provider until correction is made on credit card billing and will keep Accounts Payable advised of status of all disputed charges.
- Assigns an employee to act as a Credit Card Coordinator for the Division, to process all charges for payment (refer to Section 5.4.6.)
- Ensures all charges are forwarded to the Department Director for approval and to Finance (Accounts Payable) for payment in a timely manner, to avoid any late fees or other penalties.
- Ensures that all charges include proper documentation and receipts when forwarded to Finance for payment.

**5.4.5 Credit Card Custodian (assigned by Department Director):**

- Receives all new credit cards for department from Credit Card Administrator (Finance Department) and returns all outdated, cancelled and no longer needed credit cards to the Credit Card Administrator.
- Checks credit cards out and in, when credit card usage is authorized by the Department Head and/or Division Manager.
- Maintains the Bank Credit Card Check-out/Check-in log (refer to Attachment II).
- Prior to distributing a Bank Credit Card to an authorized user, ensures the Bank Credit Card Check-out/Check-in log is filled out properly and signed by the authorized user.
- Ensures all credit cards checked out are returned in a timely manner and informs the Division Manager and Department Director of any exceptions.
- Tracks the number and location of all credit cards at all times.
- Secures and maintains control over all cards not checked out.
- Immediately notifies the Department Head and Division Manager, the Credit Card Administrator in the Finance Department, and the credit card provider if credit cards become lost or stolen.

**5.4.6 Credit Card Coordinator (assigned by Division Manager):**

- Receives all expense reports, required forms, documentation and receipts from the credit card users, and reviews for completeness and accuracy.
- Reconciles vendor statements/invoices to credit card receipts and expense reports.
- Forwards expense reports, with all proper documentation, to the Division Manager and/or Department Head for signature and then forwards to Finance (Accounts Payable) for payment processing, in a timely manner.
- Advises Division Manager and/or Department Director of credit card use that appears to be improper (e.g.: use which does not appear to comply with this policy or the Department/ Division's authorized use and/or guidelines) and any charges for which the Coordinator has not received proper and timely documentation.

**5.4.7 Account Payable (Finance Department)**

- Receives monthly statements from credit card providers.
- Forwards statements (bill) to each Division, as applicable, and follows-up if appropriate documentation is not submitted to Accounts Payable in a timely manner.
- Assists Credit Card Coordinators in the reconciliation of vendor statements to credit card receipts and expense reports.
- Receives expense reports, bill receipts and related documentation from divisions/departments; reviews for accuracy, completeness and appropriate authorizations and documentation. Works with Division Credit Card Coordinator to obtain any missing documentation and/or authorizations.
- Forwards completed expense reports and documentation to Finance Director for payment authorization.
- Pays credit Card bill and files expense report and all related documentation.

**5.4.8 Credit Card User (City Officials and Employees):**

- Signs the Bank Credit Card Check-out/Check-in log acknowledging understanding of and agreeing to abide by the City's Credit Card and Travel policies before receiving or using a City credit card. (Refer to Attachment II)
- Secures and maintains control over the City's credit cards at all times to minimize any opportunity of card being lost, stolen or misused.
- May not allow unauthorized individuals to use the City's credit card.
- Ensures that use of the City credit card complies with all applicable laws, regulations and City policies.
- Adheres to the use and limit authorizations/restrictions imposed by employee's supervisor(s), if applicable.
- Adheres to the purchase limits and restrictions of the credit card.

**5.4.8 Credit Card User (City Officials and Employees), Cont.:**

- Obtains and submits sufficient detailed documentation to identify the business purpose of each and every charge, who provided and who received the goods or service purchased and date and location of the purchase. Such documentation shall include, but is not limited to, all detailed sales slips, register receipts, and/or credit card slips. (Note: Meal receipts must include a list of all items purchased, one total amount is not sufficient documentation.)
- Completes a Travel Expense Report (see Attachment I) for all charges, whether or not the charges were directly related to travel. This should be completed as soon as possible, but no later than ten business days after the charge was made or after the end of the travel period.
- Submits all charges and related documentation to the Department/Division Credit Card Coordinator in a timely manner for reconciliation and account coding. Detailed documentation of each expenditure is required as part of the user's submittal to the approving authority.
- Is personally responsible for charges incurred due to late cancellations or non-cancellation of hotel reservations or registration fees and must reimburse the City for any such charges paid by the City unless the reason for non-attendance and late cancellation was approved by the Department Director in advance, and is so noted on the expense report.
- Is personally responsible for charges/fees incurred due to a late payment resulting from the untimely submission by the employee of proper documentation of credit card charges.
- Immediately report a lost or stolen card to the Division/Department Credit Card Custodian, to the Credit Card Administrator in the Finance Department and to his/her Supervisor.
- Promptly return credit card to the Department's Credit Card Custodian when authorized use is completed and when requested by the Custodian, Division Manager, Department Head or the Director of Finance and Budget.

**5.5 Policy Waiver:**

This policy is to be applied uniformly across all departments and divisions of the City. However, as the City of Yakima is engaged in a broad and diverse range of activities, requiring at times rapid response, there may be instances where strict adherence to this policy may create an unnecessary burden and result in inefficiencies counter to its intent. To address such instances, the City Manager and Director of Finance and Budget are each authorized to waive any or all of the provisions of this policy on a case-by case basis, subject to State regulations and/or City Municipal Code.



CITY OF *Yakima*

**ADMINISTRATIVE POLICIES**

**REISSUED POLICY NUMBER: 3-500**  
**FORMER POLICY NUMBER: ADM 200**



**DEPARTMENT:** Purchasing

**AUTHORIZED BY:** City Manager

**EFFECTIVE DATE:** October 2010  
**SUPERSEDES:** November 2009

**REISSUE DATE:** 11/01/2012

***POLICY: PURCHASING PROCEDURE***

**PLEASE REFER TO THE:**

**CITY/COUNTY**  
**PURCHASING PROCEDURE MANUAL**  
**OCTOBER 2012**

**(available in Purchasing)**

CITY OF *Yakima*

POLICY NUMBER: 3-600

**ADMINISTRATIVE POLICIES**

DEPARTMENT: Information Technology

AUTHORIZED BY: Wayne Wantland

EFFECTIVE DATE: 05/01/2012

SUPERSEDES:

REISSUE DATE:

***POLICY: DIRECT DEPOSIT*****PURPOSE**

The City has implemented Direct Deposit of employee payroll checks as an added service to the employees as well as a method to reduce City staff workload in producing written paychecks and paystubs.

**POLICY SUMMARY**

This policy provides the guidance and procedures to allow employees to enroll in and maintain their direct deposit of their paychecks. It provides the responsibilities of both the employee and the City staff in managing this option.

**SCOPE AND APPLICABILITY**

All employees and staff will adhere to this policy when participating in direct deposit of payroll checks.

**POLICY AND PROCEDURES****General:**

- To participate in Direct Deposit an employee's entire paycheck must be applied as direct deposit.
- Employees may have their paycheck direct deposited in up to three different accounts, in up to three different financial institutions.
- Any changes, errors or omissions to employee banking information or employee deposit instructions are the responsibility of the employee.
- Changes to Direct Deposit shall be limited. If an employee has an excessive number of changes during a period of time the City may deny further changes.

- While not acceptable as normal practice, unanticipated changes to Direct Deposit absolutely cannot occur within five (5) days of a payday. This includes unanticipated discontinuation of Direct Deposit.
- The City will make every reasonable effort to ensure the Direct Deposit occurs as requested by the employee but the City takes no responsibility for failure of the process which is outside of the City's control.
- The City will ensure the employee will receive their pay regardless of failure of the system, but this may require extra effort by the City and the affected employee and may result in a delay in receiving their pay.
- Depending on the timing of payday, deposits may not be available at your financial institution until later in the day on payday or in the very worst situations on the morning of the 7<sup>th</sup> of the month. The very worst situation would be a holiday weekend with payday on Monday morning. The most likely occurrence that may happen would be the July 6<sup>th</sup> or September 6<sup>th</sup> payday because of the 4<sup>th</sup> of July and Labor Day holidays.

**Employee Responsibility:**

- The employee shall submit to Payroll a signed and completed Direct Deposit Request Form (Attachment A), per the instructions on the form.
- Forms shall be submitted prior to the 20<sup>th</sup> of the month to make the direct deposit effective during the next pay period. Example: Request received on April 15<sup>th</sup> will be effective for the May pay period (June 6<sup>th</sup> payday)
- Changes to your Direct Deposit require a complete Direct Deposit Request Form to be resubmitted with all deposits, whether they were changed or not.

**City Staff Responsibility:**

- Once a form is received within the required timeframe, every effort shall be made to process the request in a timely manner. Should unforeseeable factors prevent the processing as indicated in this policy the employee shall be notified.
- Once the *trial* direct deposit request has been successfully processed by the bank, the employee pay will be in Direct Deposit status. If the trial fails or there are other problems preventing Direct Deposit, the employee will be notified.

This policy is to be applied uniformly across all departments and divisions of the City. The City Manager and Director of Finance are authorized to approve exceptions to this policy. Exceptions will be approved on a case-by case basis, subject to State regulations and City Municipal Code.

**REFERENCE DOCUMENTS:** The following forms are related to this policy and are available on the City's intranet system.

- Direct Deposit Request Form
- Direct Deposit Employee Authorization Form

CITY OF *Yakima***ADMINISTRATIVE POLICIES****REISSUED POLICY NUMBER: 4-100  
FORMER POLICY NUMBER: PER 1300****DEPARTMENT:** Human Resources**AUTHORIZED BY:** City Manager / HR Manager**EFFECTIVE DATE:** 12/01/1983  
**SUPERSEDES:****REISSUE DATE:** 11/01/2012***POLICY: ACCIDENT PREVENTION AND SAFETY PROGRAM*****PURPOSE**

It is the policy and intent of the City of Yakima to provide all employees with a work environment that is free from recognized hazards likely to cause death or serious physical injury. The purpose of this policy is to specify procedures that prevent accidents and occupational illnesses and maintain a safe working environment.

**POLICY SUMMARY**

This policy specifies the ways in which the City insures a safe working environment for all City employees with an accident prevention program. This program emphasizes the integration of safety and health measures into all city jobs so that industrial safety, health and job performance are inseparable. This is accomplished through the cooperation of the employees, who are responsible for developing and preserving a safe working environment.

**SCOPE AND APPLICABILITY**

This policy applies to all City employees.

**POLICY AND PROCEDURES**

The reduction and elimination of work hazards through safety orientation for all permanent and temporary, new and transferred employees, safety training, a joint management-employee safety committee, an active self-inspection program, proper use and maintenance of mechanical guards, appropriate use of personal safety equipment, and other safety-oriented measures are a high priority.

**Safety Orientation**

New employees, rehires, part-time employees and those transferred from another department or division within the City will spend the first day of employment on the new job in an orientation. This program will provide an introduction of department policies and rules and will include a thorough safety briefing. The orientation should include a tour of

the facilities to acquaint the employee with the entire operation. Employees should also be advised of the importance of their jobs to the finished product or service.

The immediate supervisor will thoroughly instruct the employee in job safety requirements and will provide the employee with a written description of the department safety program. A Safety Orientation Checklist (Attachment A) must be completed with each employee by checking each item as it is covered. When completed, the form is signed by the supervisor and employee. The Employee Responsibilities form (Attachment B) is also required to be reviewed and signed by the employee.

Upon completion of both forms, the original will be forwarded to Human Resources to be placed in the employee personnel file and the copy will be retained in the department's records.

### **Safety Committee**

The Safety and Health Committee assists in the detection and elimination of unsafe conditions and work procedures, and includes representation from employees and management. Listed below are the guidelines that are to be followed by the committee:

- Employees shall elect fellow workers to represent them on the committee. Method of voting shall be optional.
- The terms of employee-elected members shall be a maximum of one year. Should a vacancy occur on the committee, a new member shall be elected.
- The chairperson shall be elected by the committee.
- The frequency, date, hour, and location of meetings shall be determined by the committee.
- The length of each meeting shall not exceed one hour except by majority vote of the safety committee.
- The attendance and subjects discussed shall be documented and maintained on file for a period of one year. Copies of the minutes must be provided to:
  - Top management
  - The Safety Officer
  - Employees by posting on the bulletin board and placing in break areas

#### **Scope of Activities:**

- Assist in accident investigations to determine trends
- Review accident reports to determine means of elimination
- Accept and evaluate employee suggestions
- Review job procedures and recommend improvements

- Monitor the safety program effectiveness
- Promote and publicize safety

### **Safety Committee Self-Inspection**

Accident prevention activities need to be reinforced by systematically minimizing physical hazards within the workplace. The City feels that the best way to eliminate exposure to these hazards is through a plan of self inspection. The following list contains guidelines that are to be followed:

- Sources which can be consulted or utilized in conducting inspections include:
  - General Safety and Health Standards
  - Employee suggestions
  - Previous accident experience of the City
- Self inspection findings will be reviewed and discussed at the next scheduled safety committee meeting. Any unresolved problems resulting from inspections will be forwarded through the safety committee organizational process.
- Follow-up to committee recommendations may be accomplished by one of the following options:
  - Carrying out the recommendations
  - Explaining why no action can be taken
  - Proposing an alternative

### **Education and Training**

Ongoing safety education programs will be provided for all employees in an effort to increase awareness of accident-causing factors: to improve team spirit by demonstrating the City's concern for the individual worker; to promote acceptance of safety rules by presenting accident prevention as a positive, desirable and integral part of all activities.

The City of Yakima will provide a systematic accident prevention program. This program will provide on-the-job training in individual work areas and will familiarize each person with City safety requirements.

Specific training will be provided for certain jobs and kinds of equipment. First aid training and certification will be required for all supervisors or persons in direct charge of crews in order to assure that all employees can be afforded immediate and effective first aid in the event that an injury occurs on the job. Departments and divisions are responsible to develop general safety and job specific safety training as appropriate. Coordination of general safety training may be made through the Safety and Health Committee.

### **Accident Investigation and Reporting**

All accidents, no matter how minor, shall be reported promptly to the immediate supervisor for evaluation/investigation - this may be done in writing, by email, or verbally.

Since every accident includes a sequence of contributing causes, it is possible to avoid a recurrence of the accident by recognizing and eliminating these causes. The removal of just a single cause can prevent a recurrence. Supervisors must determine the possible consequences that could take place if the situation is not corrected and take appropriate action based upon these findings. (i.e., investigate, report, correct, etc.).

*Medical Emergency* – The Fire Department will be called in the case where the employee needs immediate medical attention. The number to call is 9(911). Another City employee should accompany the employee to the doctor or hospital.

*Major Injuries (Fatality or multiple hospitalization)* – The Department/Division Manager, safety officer, and supervisor, are to be notified immediately by the person in charge and an investigation will be conducted. In case of a fatality or if two or more employees are hospitalized, the supervisor will report the accident to the nearest office of the Department of Labor and Industries within 24 hours after the occurrence of the accident. The report shall relate the circumstances, the number of fatalities, and the extent of any injuries. Note: Any equipment involved in an accident resulting in an immediate fatality is not to be removed until a representative of the Department of Labor and Industries investigates the removal. If, however, it is necessary to move the equipment to prevent further accidents or to remove the victim, the equipment may be moved as required.

*Minor Injuries (Requiring doctor/outpatient care)* – After the immediate actions following an accident, an investigation of the accident will be conducted by the immediate supervisor in conjunction with any witnesses to the accident, to determine the cause. The findings of the investigation shall be documented on the Supervisors Report of an Accident. A copy of this form is required to be sent to the Safety Officer, with a copy retained in the department's files.

*Near Misses (Likelihood of personal injury or property damage)* – To the greatest extent possible, all “near miss” accidents shall be investigated as provided by minor injuries. A near miss accident is defined as an unplanned event where damage resulted to equipment but there was no personal injury to employees or where damage did not result but the likelihood of personal injury to the employee was great. If the conditions which permitted the near miss or “close-call” to exist are not eliminated, they will continue to exist to cause additional accidents which could eventually result in personal injury.

### **Occupational Injury and Illness Record Keeping**

In accordance with applicable requirements of the WISHA standards, each City division will ensure the appropriate records are kept as follows:

- Maintain a Log of Work Related Injuries and Illnesses and a Summary of Work Related Injuries and Illnesses. Recordable cases include:
  - Every occupational death
  - Every occupational illness
  - Every occupational injury that involves:
    - Unconsciousness
    - Inability to perform all phases of the regular job
    - Inability to work full time on a regular job

- Temporary assignments to another job
  - Medical treatment other than first aid
- Keep copies of all reports generated when an employee is injured on the job.
- During the month of February, post the completed Summary of Work Related Injuries and Illness form for the previous year.
- Maintain records for five years following the year to which they relate.
- Enter each recordable injury and illness on the log as soon as possible, but not later than six working days after receiving the information that a recordable case has occurred.

Department directors and/or division managers are responsible for maintaining records and ensuring proper posting.

### **Safety Bulletin Board**

In addition to the methods heretofore defined, the bulletin board is another method to increase employee awareness of safety and health and to communicate safety messages.

The following considerations should be made for bulletin board effectiveness:

- The bulletin board should be placed in a spot where there is greatest employee exposure (lunchroom, break room, central part of the plant, near time clock, etc.).
- Posting should be orderly arranged.
- Posters, safety committee minutes and other information that becomes dated or worn should be changed periodically.
- A specific safety bulletin board or portion of an existing board should be designated and that spot reserved exclusively for safety material.

The following items are required to be posted:

- Job Safety and Health poster (OSHA 3165)
- Citation and Notice (as appropriate)
- OSHA 300A Summary of Work Related Injuries and Illness (specifically during the month of February)

### **First Aid Training, Kits, Poster**

To afford the employee immediate and effective attention should an injury result, department heads and division managers will ensure that certified first aid will be available. To meet these objectives, the following procedures will be followed:



- All supervisors or crew leaders will be first aid trained unless their duties require them to be away from the job-site, whereby other persons will be designated to administer first aid as needed.
- Other persons will be trained as designated by management to surpass or augment the standard requirements.
- Valid first aid certificates are recognized as ones which are less than three years old.
- Cardiopulmonary Resuscitation (CPR) is required in addition to the regular first aid training, if a first aid course does not combine the two subjects.
- All City vehicles shall contain a first aid kit. Vehicles shall be appropriately marked.

First aid kits will be in accordance with the requirements of the General Safety and Health Standards. First aid kit locations at the City include:

*City Hall*

- 1st floor, on the east wall by Copy Machine
- 2nd floor, south wall of Permit Center by filing cabinets
- Construction Engineer Office (Room. 228) on counter
- Room 248 in cabinet on west wall
- Supply Room in south cabinet
- Legal reception office on top of filing cabinet
- Record Bureau, in cabinet on south wall
- Basement, Bldg. Supt. Office, left of door on table

*City Shop Complex*

- Main Office under counter
- Signal Shop, east end of workbench
- Sign Applicator Room - south wall above sink
- Sign Shop - 2 on west wall
- Traffic Engineering Office - file cabinet on south side of room
- Water Division - west wall
- Irrigation Division - north wall east of door
- Garage - Maintenance work area

*Yakima Center*

- NE wall of kitchen
- Manager's Office - south wall on cabinet

*Senior Center*

- Nurses Room, S.E. cabinet

*Housing*

- East top cupboard in kitchen

*Wastewater Treatment Plant*

- Sick Room, left of door

- Sludge Transfer Bldg. - in the bathroom
- Solids Handling Bldg. - east end of wall by door

*Fire*

- In gold rooms at all Fire Stations
- Disaster Kit at Airport Fire Station

*Fisher Golf Course*

- East wall
- Fisher Maintenance Shed - north wall

*Cemetery*

- Break room and right of bathroom wall

Department heads and division managers are designated to ensure the first aid kit(s) are properly maintained and stocked and that vehicles are properly marked.

## **REFERENCE DOCUMENTS**

The following forms are related to this policy and are available from the Human Resources Department:

- Supervisors Report of an Accident
- Log of Work Related Injuries and Illnesses
- Summary of Work Related Injuries and Illness

The following forms are related to this policy and are available in the Human Resources Department.

- Safety Orientation Checklist
- Employee Responsibilities

CITY OF *Yakima***ADMINISTRATIVE POLICIES****REISSUED POLICY NUMBER: 4-200  
FORMER POLICY NUMBER: ADM 1800****DEPARTMENT:** Community & Economic  
Development**AUTHORIZED BY:** City Manager / CED Director**EFFECTIVE DATE:** 08/19/2009**REISSUE DATE:** 11/01/2012**SUPERSEDES:** 12/26/2006***POLICY: BUILDING SECURITY / ID BADGES*****PURPOSE**

The purpose of this policy is to ensure the safety and welfare of the city's employees through the use of a security system that improves the ability of the City of Yakima to protect employees and respond to homeland security updates in a timely manner.

**POLICY SUMMARY**

The security system for the City of Yakima includes central computerized control via specialized software, security cameras, and proximity badges which work with access pads on doors to non-public areas of City buildings. This policy specifies the procedures that have been established to implement and maintain the system.

**SCOPE AND APPLICABILITY**

All employees are required to be familiar with the security system and follow the established procedures.

**POLICY AND PROCEDURES****Proximity Badges (City I.D. Badges)**

*Authorization* – The Division Manager or Department Head authorizes access to their department area within City Hall for each employee working under his/her authority and for others requesting access to that area. This is done by filling out and signing an authorization form supplied by the Building Superintendent. The Building Superintendent retains these forms in his authorization record files.

*Badge Issuance* – Each City employee and City Council Member is issued a new city ID badge, which contains a built-in microchip that opens doors entering secured City Hall areas. As a mandated city policy, employees and visitors are required to wear their ID badge in a conspicuous place while at City Hall. This allows for quick identity of a City employee and/or visitor. In addition, wearing the ID badge allows the employee or visitor access to electronically locked and secured non-public areas of City Hall and the Yakima Police Department.

*Security System ID Badge Issuance* – The Building Superintendent issues and activates the ID badges. In the event the Building Superintendent is unavailable, there will be one other management staff that can issue ID badges.

*ID Badges and Replacement* – Upon being hired, an ID badge is issued without charge to each City Hall employee. Ordinarily, only *one* ID badge is issued and activated per employee at a time. In the event someone has two badges, only one will be operational unless the City Manager authorizes activation of both badges.

If a badge ceases to function, the employee should contact the Building Superintendent about replacing the malfunctioning ID badge.

It is imperative that employees notify the Building Superintendent as soon as possible when an ID badge is lost or missing so the security of City Hall is not compromised. If an employee misplaces or loses their ID badge and a new badge has to be issued, the following procedure is followed:

Step 1. The employee notifies the Building Superintendent of the missing badge.

Step 2. The badge is deactivated so it no longer activates any secured door in City Hall.

Step 3. The Building Superintendent issues and activates a new ID badge for the employee.

The Cost for replacement of lost/missing badges is \$10, payable at the time of issuance.

*Unexpected Visitors* – In order to avoid compromising employee safety or building security, all visitors or service technicians must check in at the City Clerk's office and sign out a "Visitor's Badge." The visitor's badge must be returned to the City Clerk's office at the end of the visit. If a badge is not returned by the end of the day, the City Clerk's office contacts the Building Superintendent so he can deactivate the missing badge.

*Visitors with Appointments* – Any city employee that has a scheduled meeting with non-city individual(s) will need to go to the City Clerks office (first floor staff) or the permit counter (second floor staff) and escort the individual(s) to the meeting location after they have received a visitor's badge. After the visit, the city employee will escort the visitor(s) back to the Clerk's window and/or permit counter, so they can return the visitors badge.

*System Maintenance* – The Building Superintendent provides training to employees on the use of their ID badge to enter secured areas of City Hall (and the Yakima Police Department) and is responsible for scheduling and carrying out basic maintenance of the system and its components in a timely manner.

## **Operation During and After Business Hours**

*Building Access* – During business hours, the public has access to City Hall to conduct normal business activity. However, the public is restricted from secured areas unless authorized and provided a visitor's ID badge for access. At 5:30 P.M. the doors to City Hall lock automatically. After 5:30 P.M., employees can enter through outside access

doors using their proximity ID badges if they are authorized for entrance through those doors.

On scheduled meeting nights, selected doors, such as those on the side entrance (Martin Luther King Jr. Boulevard and 2nd Street), will remain open for unrestricted access. These door(s) will be locked at the conclusion of the scheduled meetings.

*Janitor* – The night janitor has the ability to manually lock doors to the secured, non-public areas after normal business hours if there is a problem with the automatic system. The first floor night janitor is given authority to secure areas on the first floor only. The second floor night janitor is given authority to secure areas on the second floor only.

### **System Taping**

The video taping system has the ability to record 24/7 and can be set to tape continuously or set to activate when there is motion within a camera's view. The recordings are stored for a designated period of time to ensure a complete history is available if needed for an investigation.

### **After-Hours Use of the Building**

The building is locked from 5:30 P.M. to 6:30 A.M. each weekday and 24 hours a day on the weekends. The video cameras record after-hours activity for potential use in police department investigations and prosecutions.

To enter City Hall after regular business hours, employees must use the door on Martin Luther King Jr. Boulevard by using the required employee ID badge. Employees are not allowed to give family member(s) their ID badge in order to enter City Hall after hours. Any employee's family member who uses the wellness facility in the basement of City Hall after regular business hours is required to have the City employee accompany them.

### **Policy Waivers**

This policy is to be applied uniformly within City Hall. However, as the City of Yakima is engaged in a broad and diverse range of activities requiring coordination with numerous parties, there may be instances where strict adherence to this policy creates an unnecessary burden and results in inefficiencies counter to its intent. To address such instances, the City Manager is authorized to waive any or all of the provisions of this policy on a case-by case basis, subject to State regulations and/or City Municipal Code.

CITY OF *Yakima***ADMINISTRATIVE POLICIES****REISSUED POLICY NUMBER: 4-300****FORMER POLICY NUMBER: n/a****DEPARTMENT:** Human Resources**AUTHORIZED BY:** Human Resources Manager**EFFECTIVE DATE:** 3/30/1987**REISSUE DATE:** 11/01/2012**SUPERSEDES:*****POLICY: HAZARD COMMUNICATION PROGRAM*****PURPOSE**

The purpose of this policy is to make employees aware of hazardous materials in the workplace and specify how they should be handled to prevent injury.

**POLICY SUMMARY**

The Hazard Communication Program specifies the responsibilities for department heads, division managers, supervisors and employees concerning training about hazardous materials, labeling, prevention of accidents, and response measures for exposure. It also includes information regarding non-routine tasks using hazardous materials, communication with contractors, and internal (departmental) safety programs.

**SCOPE AND APPLICABILITY**

This Policy applies to all City employees.

**POLICY AND PROCEDURES****General Information**

In order to comply with Washington Industrial Health and Safety Act (WISHA), WAC 296-800-170, Employer Chemical Hazard Communication, the Hazard Communication Program has been established by the City Safety Committee for the City of Yakima. Because of the applicability of this program to all divisions, department heads shall be responsible to ensure this program is implemented and followed within the respective subordinate divisions. This Hazard Communication Program Policy is to be provided to all City employees in the Employee Handbooks. The written program is available in Human Resources and at each division office for review by interested employees.

**Container Labeling**

Each division manager will verify that all containers received for use in their division are properly marked to identify hazards to workers. This policy applies to primary containers (containers in which the product was originally packaged) as well as secondary containers, those into which the product was transferred to facilitate use. Container labeling must:

- Clearly identify the contents -- indicate the chemical and/ or the common name. The primary focus is on making sure people know what is inside the container.
- Clearly identify the appropriate hazardous warning. If for example, a particular chemical causes lung damage, then that is the appropriate warning. Lung damage is the hazard, not inhalation. General phrases such as caution, danger, or harmful if inhaled usually are not sufficient by themselves. They should be used with the specific hazard as well.

The division manager will ensure that all secondary containers, whether containing hazardous materials or not, are labeled with either an extra copy of the original manufacturer's label or with a general label meeting the above standard. For help with labeling, please contact the Human Resources.

The City's Executive Safety Committee will review the labeling system annually and update as required and necessary.

### **Material Safety Data Sheets (MSDS)**

The Human Resources Manager will initially be responsible for developing and maintaining the material safety data sheet system for the City. Thereafter, the division manager(s) receiving shipments of hazardous or potentially hazardous materials will be responsible for obtaining the required MSDS's from the supplier or manufacturer for distribution and posting and also for forwarding a copy of the MSDS to the Human Resources Division for filing. MSDS files are to be maintained by both the Human Resources Manager and the user worksite.

The division manager shall be responsible for reviewing incoming data sheets for new and significant health/safety information and for distributing new information to employees who may come in contact with the material.

Copies of the MSDS's for all hazardous chemicals to which employees of the City of Yakima may be exposed will be kept in the Human Resources Division and also by each work unit (division) using the hazardous chemical(s).

MSDS(s) will be available to all employees in their work area for review during each work shift. If MSDS's are not available or new chemicals in use do not have sheets, immediately contact the division manager to obtain a copy. Hazardous materials may not be used if an MSDS is not available or employees have not been trained on safe use and handling techniques.

### **Employee Training and Information**

Each division manager shall ensure that the elements of the employee training program specified below are carried out. Initial training programs for managers and supervisors will be scheduled by the Human Resources Division.

All employees at the time this program is initiated, as well as all new employees, will attend a health and safety orientation at their worksite by the division manager or representative and will receive information and training on the following:

- An overview of the requirements contained in the Hazard Communication Standard, WISHA WAC 296-62-054.
- Chemicals and their hazards found in their workplace operation.
- Location and availability of the written hazard program.
- Physical and health effects of the hazardous chemicals.
- Methods and observation techniques used to determine the presence or release of hazardous chemicals in the work area.
- How to lessen or prevent exposure to these hazardous chemicals through usage of control/work practices and personal protective equipment.
- Steps the City has taken to lessen or prevent exposure to these chemicals in their workplace.
- Emergency procedures to follow if they are exposed to hazardous chemicals.
- How to read labels and review MSDS's to obtain appropriate hazard information.
- Location of MSDS file and location of hazardous chemical list.

After attending the training class, each employee must sign a form to verify they attended the training and understand the City's policies on Hazard Communication.

Prior to a new chemical hazard being introduced into any work site, each employee of that section will be given information as outlined above. The division manager is responsible for ensuring that MSDS on the chemical(s) are available and that training is conducted.

### **Non-Routine Tasks Using Hazardous Materials/Chemicals**

Periodically, employees may be required to perform non-routine tasks using hazardous materials. Prior to starting work on such projects, each affected employee shall be provided information about hazardous chemicals to which they may be exposed during such activity.

This information will include:

- Specific chemical hazards.
- Protective/ safety measures that can be taken.



- Measures the City has taken to lessen the hazards, including ventilation, respirators, presence of another employee, and emergency procedures.

### **Informing Contractors of Hazards**

It is the responsibility of the contract project manager or division manager to provide contractors the following information:

- Hazardous chemicals to which they may be exposed while on the job site and information regarding where MSDS's may be reviewed.
- Precautions that may be taken to decrease the possibility of exposure and appropriate protective measures.

### **Contractors Bringing Hazardous Chemicals on to City Premises**

The project manager or division manager shall be responsible for contacting contractors working on their assigned projects or within their division to determine the extent and nature of hazardous materials being brought onto the job site and to which City employees may be exposed. In the event hazardous materials will be used, the project manager or division manager shall, before allowing the contractor to begin work, obtain from the contractor an MSDS for each hazardous material and shall disseminate appropriate precautionary information concerning the hazardous material which the contractor will bring to the workplace.

### **Internal Safety Programs**

Individual departments/ divisions are authorized and encouraged to develop hazard communications programs to meet individual needs as long as the supplementary programs meet the requirements of this program.

Questions about the Hazard Communication Program should be addressed to the Human Resources division at 509-575-6090.

### **REFERENCE DOCUMENTS**

The City shall rely on the evaluation performed by the chemical manufacturer to determine if a chemical is a hazard. MSDS notebooks are available in each area of the plant identifying chemicals in use. Chemicals shall be considered hazardous if they appear in one or more of the following sources:

- WAC 296-62.
- 29 CFR 1910 subpart Z.
- Threshold limit Values for Chemical Substances and Physical Agents in the Work Environment (latest edition).

Chemicals shall be considered carcinogenic if they appear in the appropriate section of one or more of the following sources:

- National Toxicology Program, Annual Report.
- International Agency for Research on Cancer Monographs (latest editions).
- WAC 296-62.
- 29 CFR 1910 Subpart Z.

CITY OF *Yakima*

**ADMINISTRATIVE POLICIES**

**REISSUED POLICY NUMBER: 4-400**  
**FORMER POLICY NUMBER: PER 405**



**DEPARTMENT:** Human Resources

**AUTHORIZED BY:** City Manager / HR Manager

**EFFECTIVE DATE:** 07/22/2010  
**SUPERSEDES:** 07/01/1999

**REISSUE DATE:** 11/01/2012

***POLICY: WORKERS COMPENSATION TIME LOSS PAYMENTS***

**PURPOSE**

This policy is issued to clarify administrative guidelines relating to Worker's Compensation Time Loss Payments.

**POLICY SUMMARY**

This policy provides two options for accrued sick leave benefits for city employees who are off the job on time loss status and clarifies provisions for LEOFF II Police/Fire Employees.

**SCOPE AND APPLICABILITY**

This policy applies to all personnel who are off the job on time loss status. For employees represented under the terms of a collective bargaining agreement, this administrative policy prevails and supersedes the collective bargaining agreements.

**POLICY**

City employees who are off the job on time loss status will have 2 options.

Under the Industrial Insurance Act, employers may provide injured workers with certain options pertaining to accrued sick leave benefits. Under the City of Yakima's Administrative Policy, injured workers may elect to receive (1) time loss compensation exclusively or (2) a combination of time loss compensation and sick leave benefits.

Pursuant to the Internal Revenue Code, time loss compensation is not considered taxable income, and therefore is not included in the worker's W-2 computation. On the other hand, sick leave benefits, when paid, are deemed taxable income, and are reported accordingly. Therefore, the employee's election will impact the total amount of reported income. Below is a further explanation of the employee's options regarding methods of compensation.

### **Option 1**

The employee receives only time loss compensation and his/her sick leave benefits are not depleted. The time loss compensation is not subject to income tax. Under the Industrial Insurance Act, however, time loss compensation is computed at an amount less than the employee's full wage, therefore until the employee returns to full time work, his/her compensation will be less than regular wages. Time loss compensation payments will be mailed directly to the injured worker by the City of Yakima's third party administrator for the worker's compensation program.

### **Option 2**

The employee retains the time loss benefit which is nontaxable income, then supplements his/her time loss payment by drawing upon accumulated sick leave benefits or other accrued leave if all sick leave benefits have been exhausted, up to a maximum of ninety (90) hours monthly. Under this approach, the employee receives full compensation, a portion of which is nontaxable (time loss compensation) and a portion of which is taxable (sick leave benefits) subject to withholding for income tax, Social Security or retirement. However, if all leave has been exhausted and the employee is not in a "pay status" but rather is on leave without pay for the entire month, the employee will be responsible for payment of total premiums of medical, dental and life to continue coverage and their hire date and continuous service date will be adjusted. Time loss compensation payments will be mailed directly to the employee by the City of Yakima's third party administrator for the worker's compensation program.

If the employee is in a "pay status" for at least one-half of the scheduled hours in a calendar month, the employee will accrue vacation, sick, longevity and possible holiday (if in a pay status the day before and after the holiday) time. Medical, dental, and life insurance premium will be shared by the City and employee as if the employee was in a "pay status" for that month.

### **Provision for LEOFF II Police/Fire Employee Only**

As a means of providing supplemental pay to LEOFF II personnel in accordance with Title 41 RCW, the employer may elect to continue to pay the employee the wages which he or she was earning at the time of an industrial injury, in which event the foregoing options do not apply for up to six (6) months. If the employer exercises this "kept on salary" (KOS) option, the employee will receive his/her full wage subject to normal withholding for tax purposes but in no event less than temporary total disability as properly calculated under title 51 RCW. Regular wage or pre-injury wage will be calculated pursuant to RCW title 51, the Industrial Insurance Act. The KOS option applies for six (6) months from the date of injury.

Special Note: This administrative procedure will not apply to Fire/Police LEOFF I members until the 1st day of the seventh month from the date of injury.